

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 45 of 2019

- Premprakash @ Bablu S/o Shiv Kedar Yadav Aged About 35 Years R/o Q. No. M- 311, Ujnigar, Jarhi, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

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18/01/2019	Shri Jitendra Shrivastava, Advocate for the appellant. Shri Arun Shukla, Govt. Advocate for State. Heard on IA No.1 of 2019, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 2.1.2019 passed by the learned 2nd Additional Sessions Judge, Surajpur, Chhattisgarh in S.T. No.50/2018, Appellant stands convicted as under:- <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>U/s 325 of the IPC Act, 2003.</td><td>:</td><td>R.I. for 3 years & fine amount of Rs.1000/- and in default of payment of fine further R.I. for the period of 6 months.</td></tr></table> Learned counsel for the appellant submits that appellant has been wrongly convicted by the trial Court in the judgment without there being any cogent and reliable evidence in support of the prosecution case. No case is made out for conviction of the appellant under the offences in which he has been convicted. The appellant is in jail since about 9 months. It is a case of short sentence, hence, it is prayed that his application be allowed. On the other hand, Learned counsel for the State has opposed the bail application and submissions made in this respect.	Conviction		Sentence	U/s 325 of the IPC Act, 2003.	:	R.I. for 3 years & fine amount of Rs.1000/- and in default of payment of fine further R.I. for the period of 6 months.
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U/s 325 of the IPC Act, 2003.	:	R.I. for 3 years & fine amount of Rs.1000/- and in default of payment of fine further R.I. for the period of 6 months.					

Heard both the parties and perused the record of the trial Court.

After perusing the evidence on record of the trial Court and considering this fact that there is no likelihood of this appeal to come up for final hearing in near future, for this reason, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

Accordingly, the bail application is allowed.

Execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his execution a personal bond for a sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **18.03.2019**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)

Judge