

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**Criminal Appeal No. 409 of 2017**

1. Bisalik S/o Shersingh Lodhi, Aged About 63 Years Occupation Agriculturist, R/o Village Paleni, Police Station- Khamhariya, District- Bemetara, Chhattisgarh.
2. Takhat Lodhi S/o Bisalik Lodhi, Aged About 42 Years Occupation Agriculturist, R/o Village Paleni, Police Station- Khamhariya, District- Bemetara, Chhattisgarh.
3. Manharan Lodhi, S/o Bisalik Lodhi, Aged About 32 Years Occupation- Agriculturist, R/o Village Paleni, Police Station Khamhariya, District Bemetara, Chhattisgarh.
4. Smt. Mantora Bai W/o Bisalik Lodhi Aged About 60 Years Occupation- Agriculturist, R/o Village Paleni, Police Station Khamhariya, District Bemetara, Chhattisgarh.
5. Smt. Uttra Bai W/o Durga Prasad, Aged About 26 Years Occupation- Agriculturist, R/o Village Paleni, Police Station Khamhariya, District Bemetara, Chhattisgarh.
6. Smt. Santoshi Bai W/o Manharan Lodhi, Aged About 30 Years Occupation- Agriculturist, R/o Village Paleni, Police Station Khamhariya, District Bemetara, Chhattisgarh.
7. Smt. Saroj Bai W/o Takhat Lodhi, Aged About 37 Years Occupation- Agriculturist, R/o Village Paleni, Police Station Khamhariya, District Bemetara, Chhattisgarh.

**---- Appellants**

**Versus**

State of Chhattisgarh, through Station House Officer, police station, Khamhariya, District Bemetara, Chhattisgarh.

**---- Respondent**

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| 15/03/2017 | <p>Shri Vivek Sharma, Advocate for the appellants.</p> <p>Smt. Sobha Kashyap, Deputy Government Advocate for the State/ respondent.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Issue notice to the respondent/ State.</p> <p>Smt. Sobha Kashyap, Deputy Government Advocate accepts notice on behalf of the State/ respondent.</p> <p>Also heard on I.A. No. 1 of 2017, an application for suspension of sentence and grant of bail to the appellants.</p> <p>By the impugned judgment dated 27.1.2017 passed by the Learned Sessions Judge, Bemetara, District Bemetara, Chhattisgarh in Sessions Trial No.47 of 2013, the appellants stand convicted under Section 148 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 6 months and Sections 325/ 149 and 323/ 149 of the Indian Penal Code and sentenced to undergo RI for 1 year and RI for 6 months and to pay fine of Rs.500/- and Rs.500/-, in default of payment of fine, to further undergo RI for one month and RI for one month with a direction to run the sentences concurrently.</p> <p>Learned counsel for the appellants submits that the appellants were on bail during the trial and after their conviction their sentence has been suspended and they have been enlarged</p> |  |

on bail by the trial court under the provisions of Section 389(3) of the Cr.P.C.

On the other hand, learned counsel for the State opposed the bail application.

Looking to this fact that this appeal may take considerable time for its final disposal and also looking to the facts and circumstances of the case, this court is of the opinion that it is a fit case where the appellants should be enlarged on bail.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the concerned trial Court for their appearance before the Registry of this Court on **27.06.2017** and thereafter before the concerned trial Court on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

Call for the records of the Court below.

List this appeal for final hearing in due course.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge