

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 234 of 2016

- Prakash Mahaldar S/o Narayan Mahaldar, aged about 29 years, Resident of forest colony Kapasi P.S. Pakhanjur, Revenue and Civil District North Bastar Kanker (C.G.)

---- Appellant

Versus

- State Of Chhattisgarh Through : Police Station, Pakhanjur, District North Bastar Kanker (C.G.).

---- Respondent

21/03/2016	Shri P.K. Tulsyan, counsel for the appellant. Shri Arvind Dubey, P.L. for the State. Heard on I.A.No.01/2016, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 06.02.2016 passed by the Special Judge (Atrocity), North Bastar Kanker (C.G.) in Special Case No.19/2014, the accused/appellant stands convicted under Sections 67 and 67(A) of Information Technology Act 2000 read with section 34 IPC & sentenced to undergo R.I. for two years and pay fine of Rs.25,000/-, R.I. for four years and pay fine of Rs.25,000/- respectively, with default stipulations. Counsel for the appellant submits that maximum sentence which has been awarded to the accused/appellant is of four years, whereas he is in jail for about three years. He further submits that the appeal is likely to take some time for its final disposal, and therefore, the accused/appellant may be released on bail. On the other hand, State counsel opposes the bail	

application.

Considering the totality of the case, in particular the detention period of the accused/appellant and the fact that the appeal may take some time for its final disposal, without further commenting on merit, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties in like sum to the satisfaction of the concerned trial Court. The accused/appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-

(Pritinker Diwaker)

Judge