

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 221 of 2016

1. Hari Singh Thakur S/O Shri Banjhi Singh @ Badri Singh Thakur Aged About 46 Years
R/O Village Chorha, Bundeli, At Present R/O Karupan Police Station Mungeli, Distt.
Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through District Magistrate Mungeli Chhattisgarh.

---- Respondent

10/03/2016	Shri Dheerendra Pandey, Advocate for the applicant. Shri S.C.Khakharia, Dy. AG for the State/ respondent on advance copy. Heard on admission. The instant Criminal Revision has been preferred within its limitation. Issue notice to the State/respondent. Shri Khakharia accepts notice on behalf of the State. The revision is admitted for consideration. Call for the records of the Courts below through usual and fax mode. Also heard on IA No.01/2016, application under Section 397 (1) Cr.P.C. for suspension of sentence and grant of bail to the applicant. The applicant has been convicted under Sections 354 and 451 IPC and sentenced to undergo R.I. for 2 years and fine of Rs.300/-, in default of payment of fine to undergo R.I. 3 months; and R.I. 1 year and fine of Rs.200/-, in default of payment of fine to undergo R.I. for 2 months respectively with a direction to run the sentences concurrently in Cr. Case No. 802/2013 vide judgment dated 11.3.2015 passed by the Chief Judicial	

Magistrate Mungeli, District Bilaspur (CG). The same has been affirmed by the Additional Judge to the Court of Additional Sessions Judge, Mungeli (CG) in Cr. Appeal No.15/2015 vide judgment dated 22.2.2016. Against the said judgment, the applicant has preferred the instant Cr. Revision.

Learned counsel for the applicant submits that till date the applicant has served the sentence for 21 days and the entire fine amount has been deposited. He has a good case to argue, therefore, he be given an opportunity to remain on bail during the pendency of this Cr. Revision.

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

Considering the facts and circumstances of the case and the fact that the fine amount has been deposited and the sentences for 2 years and 1 year are directed to be run concurrently and that the applicant is a first offender, I am of the opinion that present is a fit case to suspend the substantive jail sentences imposed upon the applicant. Consequently, IA No.01/2016 is allowed.

It is directed that execution of substantive jail sentences imposed upon the applicant shall remain suspended during the pendency of this revision and he shall be released on bail on his furnishing a personal bond of Rs.20,000/- with one solvent surety of the like amount to the satisfaction of the Chief Judicial Magistrate, Mungeli, District Bilaspur (CG) for his appearance before the said trial Court on **29th April, 2016** and thereafter he shall continue to appear before the said trial Court on all such other subsequent dates as are given to him by the said Court, till the disposal of this revision.

The trial Court is directed that in case the applicant fails to furnish bail bonds before 29th April,2016, then the trial Court is not required to release him unless he

gets the date extended which is given to him for his appearance before the trial Court by this Court.

The trial Court is further directed to intimate the Registry of this Court as to whether in compliance of this Court's order, the applicant has been released on bail or not or the applicant failed to submit the bail bond, within 15 days of its compliance.

The Registry is directed to list this Cr. Revision for final hearing in due course after receipt of the records.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)
Judge