

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1104 of 2016

- Praveen Shukla S/o Shri Ashwini Shukla, Aged About 40 Years, R/o Village Kanera, Block Dharsiva, Police Station - Urla, District Raipur, Chhattisgarh.

---- Appellant

Versus

- Chhattisgarh State Power Distribution Company, City Division East, Through A.K. Nivding, Asst. Engineer, Siltara, District Raipur, Chhattisgarh.

---- Respondent

05/09/2016	<p>Shri J.K. Gupta, counsel for the appellant.</p> <p>Ms. M. Asha, Panel Lawyer for the State.</p> <p>Heard.</p> <p>Admit.</p> <p>Call for the record.</p> <p>Also heard on I.A. No.1, which is an application for suspension of sentence and grant of bail to the appellant.</p> <p>The appellant stands convicted under Section 135 (a) of Electricity Act to undergo RI for 1 year and fine of Rs.10,16,793/- with default stipulation, as ordered on 11/08/2016 passed by the Special Judge (Electricity Act) and First Additional Sessions Judge, Raipur (C.G.) in Special Criminal Case (Electricity) No. 388/2012.</p>	

Counsel for the appellant submits that the maximum sentence imposed upon the appellant is only of 1 year and also for the fact that fine amount imposed by the Court below has already been deposited, hence the appellant may be released on bail.

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

Considering the short sentence imposed upon the appellant and for the fact that appellant was on bail during trial and the appeal is of the year 2016 there is no likelihood for early disposal of the appeal itself, this Court is of the opinion that it is a fit case where the appellant can be enlarged on bail.

Accordingly, I.A. No. 1 is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during pendency of the present criminal appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on 09/11/2016 and thereafter before the concerned trial Court on a date to be fixed by the Registry and thereafter on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List it for final hearing in due course.

Sd/-

(P. Sam Koshy)
Judge

K