

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 175 of 2022

1. Dayashankar, S/o Manharan Nirmalkar, Aged About 22 Years, R/o Village Mohtra Police Station City Kotwali Balodabazar, District Balodabazar, Bhatapara, Chhattisgarh.
2. Prahlad, S/o Dhaniram Lahare, Aged About 23 Years, R/o Village Karmandih, Police Station City Kotwali Balodabazar, District Balodabazar Bhatapara, Chhattisgarh. **---- Appellants**

Versus

- State of Chhattisgarh, Through- Police Station In-charge City Kotwali, Blodabazar, District- Balodabazar Bhatapara, Chhattisgarh. **---- Respondent**

(Proceedings through Video Conferencing)

27.01.2022	Shri Sumit Jhavar, counsel for the appellants. Shri Adil Minhaj, G.A. for the State/respondent. Heard on admission. This appeal is admitted for hearing. Call for record of the Court below. Also heard on I.A. No.01/2022, application for suspension of sentence and grant of bail. The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 13.01.2022 passed in Special Sessions Case No. 18/2019 by the Special Judge (Atrocities), Balodabazar, District- Balodabazar (C.G.) as under:- <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 50%; text-align: center;"><u>Convictions</u></td><td style="width: 50%; text-align: center;"><u>Sentences</u></td></tr> </table>	<u>Convictions</u>	<u>Sentences</u>
<u>Convictions</u>	<u>Sentences</u>		

	Under Section 342/34 of IPC	R.I. for one year with fine of Rs. 1,000/- and default in payment of fine amount additional S.I. for one month.
	Under Section 354 (A)/34 of IPC	R.I. for three years with fine of Rs. 5,000/- and default in payment of fine amount additional S.I. for 6 months.
Learned counsel for the appellants submits that there is no reliable evidence against the present appellants to involve them in this case, essential ingredient of the offence for convicting them are missing, during trial they were on bail and they did not misuse the liberty granted to them, the maximum sentence awarded to them is three years and disposal of this appeal is likely to take some time, therefore, the appellants be released on bail. On the other hand, learned counsel for the State opposes bail application. Considering the facts & circumstances of the case, the maximum sentence awarded to the appellants is three years, during trial they were on bail and they did not misuse the liberty granted to them, final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application (I.A. No.1/2022) is allowed. It is directed that the execution of substantive jail sentence imposed upon the appellants shall remain suspended during the		

	pendency of this appeal and they shall be released on bail on their furnishing a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the trial Court. They shall appear before the Registry of this Court on 28.04.2022 and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to them by the said Court till disposal of this appeal. List the case for final hearing in its due course. Sd/- (Gautam Chourdiya) Judge
--	--