

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 148 of 2019

Bhagirathi Dhruw **Versus** State of Chhattisgarh

28/02/2019	Mr. Ashok Kumar Swarnkar, Advocate for the Applicant. Mr. D.P. Singh, Dy. Advocate General for the State. Heard on admission. Admit. Also heard on I.A. No. 01/2019 for suspension of sentence and grant of bail to the Applicant. By the impugned order dated 16/01/2019 passed in Criminal Appeal No. 97/2018 by the Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Acts arising out of order of conviction and sentence dated 21/12/2018 passed in Criminal Case No. 1087/2015 by the Judicial Magistrate First Class, Korba, the Applicant stands convicted under Sections 420, 468 & 471 of the IPC and sentenced to undergo RI for 4 years with fine of Rs. 1000/-, RI for 4 years with fine of Rs. 1000/- and RI for 4 years with fine of Rs. 1000/-, respectively with default stipulations. Counsel for the Applicant submits that the Applicant has been falsely implicated in the present case. He further submits that the Court below has failed to appreciate the evidence and documents available on record. The Applicant is in jail since 21/12/2018, therefore, he may be released on bail. Per contra, learned State Counsel supported the impugned order.

Rahul	I have heard counsel for the parties. Considering the facts and circumstances of the case, particularly the evidence collected by the prosecution and further considering the short sentence awarded to the Applicant and he is in custody since 21/12/2018, without further commenting on merit of the case, I am inclined to release the Applicant on bail. Accordingly, I.A. No. 01/2019 is allowed. It is directed that the substantive jail sentence 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 surety in the like sum to the satisfaction of the trial Court. The Applicant need not give any appearance until and unless otherwise directed. List this case for final hearing in due course. Sd/- (Arvind Singh Chandel) Judge
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