

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1538 of 2016

1. Vijay Tirkey S/o Mangra Tirkey, Aged About 30 Years R/o Sewadih, Police Station Mandar, District Ranchi, (Jharkhand)

2. Jyoti @ Gloriya D/o Habil Xalxo, Aged About 22 Years R/o Tigra, Police Station Asta, District Jashpur, Chhattisgarh. **---- Appellants**

Versus

State Of Chhattisgarh Through Station House Office, Police Station Jashpur, District Jashpur, Chhattisgarh.

----Respondent

8/05/2018	Smt. Savita Tiwari, counsel for the appellants. Smt. Astha Shukla, PL for the State. Heard on I.A. No.1/2018 bail application for suspension of sentence and grant of bail. Appellants have been convicted by the judgment dated 1/10/2016, passed in Sessions Case No.22/2016 passed by the Sessions Judge, Jashpur, District Jashpur (C.G.) in the following manner with a direction to run the sentences concurrently:- <table><tr><td>U/s 363 of IPC</td><td>:</td><td>RI for 5 years and fine of Rs.3000/-, in default of payment of fine to undergo RI for 3 months to both the appellants.</td></tr><tr><td>U/s 370(4) of IPC</td><td>:</td><td>RI for 10 years and fine of Rs.5000/-, in default of payment of fine to undergo RI for 5 months to both the appellants.</td></tr></table> Learned Counsel for the appellants submits that the appellants are completely innocent in this case because the victim who has been examined as	U/s 363 of IPC	:	RI for 5 years and fine of Rs.3000/-, in default of payment of fine to undergo RI for 3 months to both the appellants.	U/s 370(4) of IPC	:	RI for 10 years and fine of Rs.5000/-, in default of payment of fine to undergo RI for 5 months to both the appellants.
U/s 363 of IPC	:	RI for 5 years and fine of Rs.3000/-, in default of payment of fine to undergo RI for 3 months to both the appellants.					
U/s 370(4) of IPC	:	RI for 10 years and fine of Rs.5000/-, in default of payment of fine to undergo RI for 5 months to both the appellants.					

PW-8 her statement would show that she went along with Ritu, she met the present appellants at bus stand and thereafter they boarded the train, there is no allurement on the part of the appellants and mens rea is also absent. It is further contended that the victim thereafter of her own went in train and travelled to the different places, no offence is made out and hearing of the appeal may take some time, therefore the appellants may be released on bail.

Learned State Counsel opposes the prayer for grant of anticipatory bail.

Perused the statement of the victim PW-8. Considering her statement, I am inclined to release the appellants on bail.

Accordingly, I.A. No.1/2018 bail application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on each of them executing a personal bond for a sum Rs.25,000/- with one surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **25th July, 2018**. They shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to them by the said Court, till the disposal of this appeal.

Sd/-

(Goutam Bhaduri)

Judge

