

**HIGH COURT OF CHHATTISGARH, BILASPUR**

Order Sheet

**CRA No. 383 of 2022**

1. Chhote Lal Suryavanshi S/o Shri Mahettar Suryavanshi Aged About 60 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
2. Arjun Suryavanshi S/o Shri Chhote Lal Suryavanshi Aged About 32 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
3. Tetar @ Kesar Suryanavshi S/o Shri Nandun Suryavanshi Aged About 28 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
4. Bhimkumar Suryavanshi S/o Shri Chhote Lal Suryavanshi Aged About 26 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
5. Ravi Suryavanshi S/o Shri Fekuram Suryavanshi Aged About 26 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
6. Narendra Suryavanshi S/o Shri Fekuram Suryavanshi Aged About 22 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
7. Ramesh Kumar Suryavanshi S/o Shri Fekuram Suryavanshi Aged About 23 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.)
8. Biharilal Suryavanshi S/o Shri Chhote Lal Suryavanshi, Aged About 30 Years R/o Village- Bhathapara, Ganiyari, Police Station- Kota, District- Bilaspur (C.G.) ---- **Appellants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kota, District- Bilaspur (C.G.) -----**Respondent**

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| 09.03.2022 | <p>Shri Dharmesh Shrivastava, counsel for the Appellants.</p> <p>Shri Chitendra Singh, P.L. for the State/Respondent.</p> <p>Heard on admission.</p> <p>Admit.</p> <p>Call for the record of the Court below</p> <p>Also heard on I.A. No.01/2022, an application filed under Section 389 of Cr.P.C. for suspension of sentence and grant of bail.</p> |

By way of impugned judgment of conviction and order of sentence dated 11.02.2022 passed in Sessions Trial No.62/2017, the appellants have been convicted and sentenced as under:-

| Conviction                         | Sentence                                                                       |
|------------------------------------|--------------------------------------------------------------------------------|
| U/s 147 I.P.C.                     | S.I. for 1 year and fine of Rs.500/- each. In default, S.I. for 5 days each    |
| U/s 323/149 I.P.C. (on six counts) | S.I. for 1 year and fine of Rs. 500/- each. In default, S.I. for 5 days each   |
| U/s 458/149 I.P.C.                 | S.I. for 2 years and fine of Rs.1000/- each. In default, S.I. for 10 days each |
| U/s 427/149 I.P.C.                 | S.I. for 1 year and fine of Rs.500/- each. In default, S.I. for 5 days each.   |

Counsel for the Appellants submits that the appellants have been awarded short term of sentence and they have been granted bail during the course of trial and they served jail confinement for a period of 43 and 45 days and the liberty granted to them has never been misused by them. On these premises, learned for the Appellant prayed for grant of bail.

On the other hand, counsel for the State opposes the prayer for grant of bail.

I have heard learned counsel for the parties and perused the judgment impugned.

Taking into consideration the short term of sentence awarded to the Appellants and also taking into consideration the fact the appellants are on bail during the course of trial and the liberty granted to them has never been misused and that the appeal is likely to take some time for its final disposal, I am inclined

to allow this application.

The application is accordingly allowed and it is ordered that the substantive jail sentence imposed upon both the appellants shall remain suspended during pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one surety for the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court on 04.07.2022 and thereafter, they shall continue to appear on all such further dates as are given to them in that behalf till final disposal of this appeal.

Post this matter for final hearing in its due course.

Certified copy today.

**Sd/-**

**(Arvind Singh Chandel)**  
**Judge**