

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 454 of 2019

- Suraj Kurre S/o Jgeshwar Prasad Kurre, Aged About 21 Years, R/o Village Kotmisonar, Sabriya Dera, Thana- Akaltara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh, Through The Police Station- Akaltara, Disrtict- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

| 12/03/2020 | <p>Shri Samir Singh, Advocate for the appellant. Shri Roshan Dubey, P.L. for the State/respondent. Heard on I.A.No.1/2020 for suspension of sentences and grant of bail to the appellant.</p> <p>The appellant has been convicted by the judgment of conviction and order of sentence dated 01-02-2019, passed in S.T. No.39/2018 by the Sessions Judge, District Janjgir-Champa, C.G. in the following manner with a direction to run both the jail sentences concurrently:-</p> <table border="1" style="width: 100%;"><thead><tr><th style="width: 50%;">Conviction</th><th style="width: 50%;">Sentence</th></tr></thead><tbody><tr><td>1. U/s 307 of the IPC</td><td>R.I. for 7 years and fine of Rs.1,000/-, in default of payment of fine additional S.I. for 1 month,</td></tr><tr><td>2. U/s 323 of the IPC</td><td>R.I. for 1 year.</td></tr></tbody></table> <p>It is submitted on behalf of the appellant that this is repeat bail application filed by the appellant. His earlier application for suspension of sentence and grant of bail was dismissed as withdrawn on 08-04-2019 with liberty to revive the same after completion of two years of period of sentence of imprisonment imposed upon the appellant. It is further submitted that conviction against the appellant for commission of offence under Section 307 of the IPC is erroneous. Looking to the evidence of the witnesses and the examining doctor, offence under Section 307 is not at all</p> | Conviction | Sentence | 1. U/s 307 of the IPC | R.I. for 7 years and fine of Rs.1,000/-, in default of payment of fine additional S.I. for 1 month, | 2. U/s 323 of the IPC | R.I. for 1 year. |
|-----------------------|--|------------|----------|-----------------------|---|-----------------------|------------------|
| Conviction | Sentence | | | | | | |
| 1. U/s 307 of the IPC | R.I. for 7 years and fine of Rs.1,000/-, in default of payment of fine additional S.I. for 1 month, | | | | | | |
| 2. U/s 323 of the IPC | R.I. for 1 year. | | | | | | |

made out. The appellant is in jail since 30-01-2018 and there is no likelihood of this appeal being heard finally in the near future. Therefore, it is prayed that the appellant may be granted bail.

Per contra, learned counsel for the State opposes the application submitting that the conviction of the appellant is based on the evidence of prosecution brought beyond reasonable doubt, hence, the appellant is not entitled for grant of bail.

Heard learned counsel for the parties and perused the record of the trial Court.

On perusal of the evidence present in the record of the trial Court and considering that the appellant is in jail since more than two years and there is likelihood of delay in listing of this appeal for final hearing, hence for these reasons I feel inclined to allow this application.

Accordingly, I.A.No.1/2020, application for suspension of sentence and grant of bail, is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this 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 like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **16th of June, 2020**. He 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 him by the said Court, till disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge