

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No. 506 of 2019

1. Sagar Das S/o Rameshwar Das, Aged About 32 Years, R/o Purana Bazar, Dallirajhara, District- Balod Chhattisgarh
2. Dinesh Das S/o Rameshwar Das, Aged About 25 Years, R/o Purana Bazar, Dallirajhara, District- Balod Chhattisgarh

--- Appellants

Versus

- The State Of Chhattisgarh, Through The Police Station Bhanupratappur, District U. B. Kanker Chhattisgarh

---Respondent

18/04/2019	<p>Mr. Parag Kotecha, counsel for the appellants. Mr. Samdarsh Nirankari, P.L. for the State. Heard on I.A. No.01/2019, application for suspension of sentence and grant of bail.</p> <p>The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 14.03.2019, in Sessions Case No. 67/2017, passed by the Learned Additional Sessions Judge, Bhanupratappur, District – North Bastar Kanker (C.G.), in the following manner:-</p> <table border="1"><thead><tr><th><u>Conviction</u></th><th><u>Sentence</u></th></tr></thead><tbody><tr><td>U/s. 419 r/w Section 109 of the Indian Penal Code.</td><td>R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 3 months.</td></tr></tbody></table> <p>Learned counsel for the appellants would submit that the appellants have been erroneously convicted by the trial Court without there being any support of prosecution witnesses. The appellants had been on bail during the course of trial against them. Victim (P.W.-5) has</p>	<u>Conviction</u>	<u>Sentence</u>	U/s. 419 r/w Section 109 of the Indian Penal Code.	R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 3 months.
<u>Conviction</u>	<u>Sentence</u>				
U/s. 419 r/w Section 109 of the Indian Penal Code.	R.I. for 03 years and fine of Rs.10,000/- and in default of payment of fine, additional R.I. for 3 months.				

herself made admissions in her cross-examination that she was acquainted with Balmukund with whom she was married instead of Manish. Therefore, no case is made out against these appellants. Hence, it is prayed that the sentence of imprisonment against the appellants be suspended and they may be enlarged on bail.

Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail.

I have heard the learned counsel for the parties and perused the record of the trial Court.

After perusing the evidence present on record of the trial Court and considering this fact that the appellants had been on bail during the course of trial and they have not misused the liberty granted, I feel inclined to allow this application.

Accordingly, I.A. No.01/2019, application for suspension of sentence and grant of bail is allowed.

Execution of substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on their 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 **1st July, 2019**. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge