

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 610 of 2022

- Viraj Soni Alias Tande, S/o Bholu Soni, Aged About 24 Years, R/o Sweeper Colony, Balodabazar, Ps City Kotwali District Balodabazar Bhatapara (Chhattisgarh).
---- Appellant

Versus

- State of Chhattisgarh, Through- The Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara (Chhattisgarh).---- **Respondent**

18.07.2022	Ms. Supriya Upasane, counsel for the appellant. Ms. Shivali Dubey, P.L. for the State/respondent. Heard on I.A. No.1/2022, application for suspension of sentence and grant of bail. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 26.03.2022 passed in Sessions Case No.32/2021 by the Second Additional Sessions Judge, Balodabazar (C.G.) as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 307 of IPC</td><td>SI for 5 years & fine of Rs. 5,000/- and default in payment of fine amount, additional SI for 3 months.</td></tr></table> Learned counsel for the appellant submits that there is no reliable evidence against the present appellant to involve him in this case, essential ingredient of the offence under Section 307 of IPC for convicting the appellant is missing, the injury sustained by the victim was not on vital parts as per PW/3 Dr. Rupali Sahu, the appellant was on bail during trial and he did not misuse the liberty granted to him, the detention of the appellant more than 10 months, the appellant has already been paid the	Conviction	Sentence	Under Section 307 of IPC	SI for 5 years & fine of Rs. 5,000/- and default in payment of fine amount, additional SI for 3 months.
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Under Section 307 of IPC	SI for 5 years & fine of Rs. 5,000/- and default in payment of fine amount, additional SI for 3 months.				

fine amount, co-accused persons have already been acquitted by the trial Court and disposal of this appeal is likely to take some time, therefore, the appellant may be released on bail.

On the other hand, learned counsel for the State opposes bail application and submits that the victim/complainant was assaulted by the present appellant with other co-accused persons with knife, stick & screwdriver as result the victim sustained injuries on various parts of his body and he was admitted in hospital for about 6 days. As per statement of the victim (PW/6), he admitted that the appellant alongwith co-accused person made assault upon him. Therefore, the application (I.A. No.1/2022) deserves to be dismissed.

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

Considering the facts & circumstances of the case, statement of PW/3 Dr. Rupali Sahu, who examined the victim/injured, looking to the statement of PW/6 victim, the fact that the appellant was on bail during trial and he did not missus the liberty granted to him, the detention period more than 10 months, final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application (I.A. No.1/2022) is **allowed**.

It is directed that the execution of substantive 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 to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **27.09.2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said

Nadim	Court till disposal of this appeal. List the case for final hearing. Sd/- (Sachin Singh Rajput) Judge
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