

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet,

CRA No. 649 of 2022

• Mukesh Manikpuri S/o Devidas Manikpuri Aged About 27 Years R/o Shyam Nagar, Telibandha, Police Station Telibandha, District Raipur Chhattisgarh.

---- Appellant**Versus**

- State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur Chhattisgarh.

---- Respondent

27.09.2022	Shri Pragalbha Sharma, counsel for the appellant. Ms. Abhyunnati Singh, P.L. for the State/respondent. Heard on I.A.No. 01/2022, an application praying for suspension of sentence and grant of bail. By virtue of impugned judgment of conviction and order of sentence dated 23.03.2022 passed by the learned 3rd Additional Sessions Judge, Raipur (C.G.) in Sessions Trial No.67/2019, the appellant stands convicted and sentenced in the following manner :- <table border="1"> <thead> <tr> <th><u>Conviction</u></th><th><u>Sentence</u></th></tr> </thead> <tbody> <tr> <td>Under Section 498-A IPC</td><td>R.I. for three years and fine of Rs.500/- and in default of payment of fine, further R.I. for 2 months</td></tr> <tr> <td>Under Section 304-B IPC</td><td>R.I. for seven years.</td></tr> <tr> <td colspan="2">Both the sentences are directed to run concurrently.</td></tr> </tbody> </table> Learned counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in connection with the said crime. It is contended further that the learned Court below, without appreciating the evidence led	<u>Conviction</u>	<u>Sentence</u>	Under Section 498-A IPC	R.I. for three years and fine of Rs.500/- and in default of payment of fine, further R.I. for 2 months	Under Section 304-B IPC	R.I. for seven years.	Both the sentences are directed to run concurrently.	
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by the prosecution in its proper manner, has convicted the appellant by virtue of the impugned judgment. Further contention of him is that since there is complete contradiction in the version of the witnesses of the prosecution, as has been stated in F.I.R., Police Statements and also the statement recorded before the concerned trial Court, and as the appeal will take some considerable time for its disposal, therefore, the appellant, who has already completed more than three years of jail sentence, be released on bail, pending decision of this appeal. In support, he placed his reliance upon a decision rendered by the Supreme Court in the matter of ***Kiran Kumar vs. State of M.P.*** reported in **(2001) 9 SCC 211**.

On the other hand, learned counsel appearing for the respondent/State, while inviting attention to the statements of the father of the deceased, namely, Ram Kishan Sahu (P.W.1) and mother – Smt. Triveni Sahu (P.W.3), submits that after due consideration of their statements and that by taking into consideration of the documentary evidence produced during trial, the trial Court has rightly convicted the appellant, and therefore, the application seeking suspension of sentence and grant of bail deserves to be rejected.

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

Having considered the facts and circumstances of the case in the light of the above referred judgment, considering further that the appellant is in jail since 17.12.2018, i.e., he has served more than three years and nine months out of seven years maximum jail sentence awarded to him and that by considering further that hearing of this appeal will take some more time, I am, therefore, inclined to allow this application.

Accordingly, I.A.No. 01/2022 is allowed and it is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during pendency of

this appeal and he shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- along with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **21.11.2022**. 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 on all such subsequent dates as are given to him by the said Court, till disposal of this appeal.

In view of above, I.A.No.01/2022 stands disposed of.

List the matter for final hearing in its due course.

Certified copy as per rules.

Sd/-

(Sanjay S. Agrawal)
Judge