

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 770 of 2022

- Shailendra Kujur S/o Maniram Kujur, Aged 26 years, R/o Village Saraga, Mukinpara, P.S. Sitapur, District Surguja (C.G.)

----- Appellant

versus

- State of Chhattisgarh, Through Station House Officer, Police Station Sitapur, District Surguja (C.G.)

----- State/Respondent

16/06/2022	Shri Nishi Kant Sinha, Advocate for the appellant. Shri Shrikant Kaushik, Panel Lawyer for the State. Heard on I.A. No. 01 of 2022, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to appellant. By the impugned judgment dated 26.04.2022 passed by the Fifth Additional District & Sessions Judge, Ambikapur, Surguja (C.G.) in Sessions Trial No. 55/2019, the appellant stands convicted and sentenced as under: <table border="1"> <thead> <tr> <th><u>Conviction</u></th><th><u>Sentences</u></th></tr> </thead> <tbody> <tr> <td>Under Section 458 of IPC</td><td>R.I. for three years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for one month</td></tr> <tr> <td>Under Section 307/34 of IPC (against injured- Lodoram)</td><td>R.I. for five years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for three months</td></tr> <tr> <td>Under Section 307/34 of IPC (against injured- Mata Bai)</td><td>R.I. for five years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for three months</td></tr> <tr> <td>Under Section 323/34 of IPC (against Dharamsai)</td><td>R.I. for six months and fine of Rs.500/-, in default of payment of fine to further undergo R.I. for fifteen days</td></tr> <tr> <td>Under Section 323/34 of IPC (against injured- Rajendra)</td><td>R.I. for six months and fine of Rs.500/-, in default of payment of fine to further undergo R.I. for fifteen days</td></tr> <tr> <td colspan="2">All the sentences to run concurrently</td></tr> </tbody> </table>	<u>Conviction</u>	<u>Sentences</u>	Under Section 458 of IPC	R.I. for three years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for one month	Under Section 307/34 of IPC (against injured- Lodoram)	R.I. for five years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for three months	Under Section 307/34 of IPC (against injured- Mata Bai)	R.I. for five years and fine of Rs.1,000/-, in default of payment of fine to further undergo R.I. for three months	Under Section 323/34 of IPC (against Dharamsai)	R.I. for six months and fine of Rs.500/-, in default of payment of fine to further undergo R.I. for fifteen days	Under Section 323/34 of IPC (against injured- Rajendra)	R.I. for six months and fine of Rs.500/-, in default of payment of fine to further undergo R.I. for fifteen days	All the sentences to run concurrently	
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Considering the material available on record, particularly considering the age of the appellant who is 26 years old at the time of incident, he has no criminal antecedent, one co-accused has died during trial and disposal of this appeal is likely to take some time, without further commenting on merit, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No. 01 of 2022) is allowed.

It is directed that the execution of substantive jail sentence imposed upon 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.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **22nd August, 2022** and thereafter shall appear before the trial Court on a date to be given by the Registry and shall continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

Certified copy as per rules.

List this appeal for final hearing in due course.

Sd/-
(Gautam Chourdiya)
Judge