

# **HIGH COURT OF CHHATTISGARH, BILASPUR**

## **CRA No. 777 of 2022**

- Imran Khan @ Bittu S/o Kptan Khan Aged About 36 Years R/o Madwarani Patel Mohlla, Police Station Urga, Present R/o 04 E Housing Board Colony Kharmora, Police Station Balconagar District Korba, Chhattisgarh.

**---- Appellant**

### **Versus**

- State of Chhattisgarh Through Police Station Kotwali, District : Korba, Chhattisgarh

**---- Respondent**

| 05/07/2023                    | <p>Mr. Sumit Singh Rathore, Advocate for the appellant.</p> <p>Ms. Shivali Dubey, Panel Lawyer for the State.</p> <p>Heard on IA No.1 of 2022, application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 20.04.2022 passed by the learned Special Judge Scheduled Caste &amp; Scheduled Tribes Prevention of Atrocities Act, 1989, Korba(C.G.) in Session Trial-24/2018, the Appellant stands convicted as under:-</p> <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>U/s 394 of Indian Penal Code.</td><td>Rigorous imprisonment for five years &amp; fine of amount Rs.5000/- and in default of payment of fine three months additional rigorous imprisonment.</td></tr></table> <p>Learned counsel for appellant submits that without there being any sufficient evidence available on record, trial Court has wrongly convicted the appellant. In the FIR, name of the appellant has not been mentioned by the complainant inspite of the fact that both of them known to each other, therefore, entire case of appellant appears to be suspicious. Further it is submitted that appellant has served about 1 ½ years in jail out of 5 years of jail sentence imposed upon him in this case. Appellant was on bail during trial, he has not misused the liberty granted to him and there is no likelihood of this appeal for coming up for final hearing</p> | Conviction | Sentence | U/s 394 of Indian Penal Code. | Rigorous imprisonment for five years & fine of amount Rs.5000/- and in default of payment of fine three months additional rigorous imprisonment. |
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| Conviction                    | Sentence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |            |          |                               |                                                                                                                                                  |
| U/s 394 of Indian Penal Code. | Rigorous imprisonment for five years & fine of amount Rs.5000/- and in default of payment of fine three months additional rigorous imprisonment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |          |                               |                                                                                                                                                  |

in near future, hence, it is prayed that application of appellants be allowed.

On the other hand, learned counsel for the State has opposed bail application and submissions made in this respect.

I have heard both the parties and perused the record of the trial Court.

Considering the detention period of the appellant and that disposal of this appeal is likely to take time, I am of the view that present is a fit case where appellant is entitled to be released on bail during pendency of this appeal.

Accordingly, the bail application is allowed. It is directed that 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 personal bond for a sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **10.10.2023**. 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 the disposal of this appeal.

Sd/-

**(Arvind Singh Chandel)**

Judge