

## HIGH COURT OF CHHATTISGARH, BILASPUR

## Order Sheet

**Criminal Appeal No. 781 of 2019**

1. Manharan Lal Kurrey S/o Titra Kurrey Aged About 36 Years R/o Gram Surajpura, Post Kanteli, Tehsil Lormi, P.S. Lalpur, District- Mongeli, Chhattisgarh.
2. Siyaram Tandon S/o Latel Das Aged About 56 Years R/o Gram Surajpura, Post Kanteli, Tehsil Lormi, P.S. Lalpur, District- Mungeli, Chhattisgarh.

---- Appellants

**Versus**

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

---Respondent

| 26/06/2019                                                          | <p>Shri Pragalbha Sharma, Advocate for the appellants.<br/>Shri Samdarsh Nirankari, P.L. for the State.</p> <p>Heard on I.A. No. 1 of 2019, an application for suspension of sentence and grant of bail to the appellants.</p> <p>By the impugned judgment dated 29.04.2019 passed by the Learned Additional Judge to the Court of Additional Sessions Judge, Mungeli, Chhattisgarh in Sessions Trial No. 17 of 2011, the appellants stand convicted with a direction to run the sentences concurrently, as under:-</p> <table> <tr> <th>Conviction</th><th>Sentence</th></tr> <tr> <td>Under Section 147 of the Indian Penal Code.</td><td>R.I. for 1 year and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for 1 month.</td></tr> <tr> <td>Under Section 307/ 149 of the Indian Penal Code.<br/>(on two counts)</td><td>R.I. for 10 years and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for</td></tr> </table> | Conviction | Sentence | Under Section 147 of the Indian Penal Code. | R.I. for 1 year and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for 1 month. | Under Section 307/ 149 of the Indian Penal Code.<br>(on two counts) | R.I. for 10 years and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for |
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| Conviction                                                          | Sentence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |          |                                             |                                                                                                                |                                                                     |                                                                                                         |
| Under Section 147 of the Indian Penal Code.                         | R.I. for 1 year and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for 1 month.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |          |                                             |                                                                                                                |                                                                     |                                                                                                         |
| Under Section 307/ 149 of the Indian Penal Code.<br>(on two counts) | R.I. for 10 years and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |            |          |                                             |                                                                                                                |                                                                     |                                                                                                         |

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|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1 month (twice).                                                                                               |
|  | Under Section 323/ 149 of the Indian Penal Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | R.I. for 1 year and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for 1 month. |
|  | <p>Learned counsel for the appellants submits that the appellants have been erroneously convicted and sentenced by the trial Court in the impugned judgment. The appellants had been on absconsion who have been tried after the arrest and sentenced in this case whereas, the other co-accused persons who have been convicted and sentenced have been benefited with grant of bail after suspension of sentence against them by the order of Co-ordinate Bench of this Court. These appellants are similarly placed and they are not the main assailants in the incident that has taken place. These appellants are in jail since 2 years and 11 months. Hence, it is prayed that the appellants be enlarged on bail.</p> <p>On the other hand, learned counsel for the State opposed the bail application. It is submitted that their names have appeared in the deposition of the main witnesses has been part in the unlawful assembly and attempt to cause death to the victims. Hence, for these reasons, they are not entitled for grant of bail.</p> <p>Perused the record of the trial Court and the impugned judgment.</p> <p>After perusal of the deposition of the main witnesses in the trial and also considering the fact that similarly placed co-accused persons have been granted bail after suspension of sentence against them, I feel inclined to allow the I.A. No. 1 of 2019, an application for</p> |                                                                                                                |

suspension of sentence and grant of bail to the appellants. Consequently, the same is allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for their appearance before the Registry of this Court on **26.08.2019** and thereafter before the concerned trial Court on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List this appeal for final hearing in due course.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge