

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No. 915 of 2018

- Sonu Bahadur @ Nar Bahadur @ Sonu Thapa, S/o Shyam Bahadur, aged about 33 years R/o Station Para, ward No.13, Solah Kholi, near Bapu School, O.P. Chikhli, District- Rajnandgaon (C.G.)

--- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Basantpur, District- Rajnandgaon, Chhattisgarh

---Respondent

Respondent

<u>24/10/2019</u>	Mr. Sunil Otwani, counsel for the appellant. Mr. Ghanshyam Patel, G.A. for the State. Heard. This is second bail application filed for suspension of sentence and grant of bail. The earlier application was dismissed as withdrawn on 23.10.2018 in which a liberty was granted to revive the application after one year. Also heard on I.A. No.01/19, an application for suspension of sentence and grant of bail. Appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 12.02.2018, passed in Sessions Trial No.80/2015, by the Learned Sessions Judge Rajnandgaon, District- Rajnandgaon (C.G.) with direction that all the sentences shall run concurrently in the following manner :- <table><tr><th><u>Conviction</u></th><th></th><th><u>Sentence</u></th></tr><tr><td>U/s. 307 of I.P.C.</td><td></td><td>R.I. for 10 years and fine of Rs.50,000/- and in default of payment of fine amount, further R.I. for 01 year.</td></tr><tr><td>U/s. 25(1-B)(A) of Arms Act</td><td></td><td>R.I. for 03 years.</td></tr></table> Learned counsel appearing for the appellant submits that the appellant is in jail since 02.12.2015 and thus has completed more than 03 years and 11 months in jail. He has not committed any offence. The evidence of prosecution in the statement of witness of prosecution are	<u>Conviction</u>		<u>Sentence</u>	U/s. 307 of I.P.C.		R.I. for 10 years and fine of Rs.50,000/- and in default of payment of fine amount, further R.I. for 01 year.	U/s. 25(1-B)(A) of Arms Act		R.I. for 03 years.
<u>Conviction</u>		<u>Sentence</u>								
U/s. 307 of I.P.C.		R.I. for 10 years and fine of Rs.50,000/- and in default of payment of fine amount, further R.I. for 01 year.								
U/s. 25(1-B)(A) of Arms Act		R.I. for 03 years.								

highly contradictory and should not have been believed by the trial Court, therefore, the appellant intends to prosecute this appeal, for the reason that there is all likelihood of this appeal being taken up for final hearing. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.

Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail and submits that there is clear evidence that this appellant fired four shots from a country made pistol on the victim which makes it clear that he had intention to cause his death. Therefore, looking to the evidence present, he is not going to get any relief in his appeal. Hence, the application be dismissed.

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

After perusing the evidence of the witnesses present in the trial Court and taking into consideration the length of detention of this appellant in jail and also considering that there is all likelihood of delay in final hearing of this case in near future, I feel inclined to allow this application.

Accordingly, I.A. No.01/19, application for suspension of sentence and grant of bail is allowed.

Execution of substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum 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 **20th December, 2019**. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge