

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 918 of 2018

1. Madan Mohan Bhargav S/o Late Jagdish Prasad Bhargav, aged about 37 Years R/o- Shankar Colony, Sikandar Compulshkar, Police Station- Machhiganj, Gwaliour, District- Gwaliour (M.P.), District : Gwalior, Madhya Pradesh
2. Mukesh Pal @ Mukesh S/o Badami Lal Pal aged about 35 Years, R/o- Kshatriya Colony, Banganga Road, Fakkad Muhalla, Police Station- Phisical, Shivpuri, (M.P.), District : Shivpuri, Madhya Pradesh.

---- Appellants

Versus

- State of Chhattisgarh Through-Police Station-Champa, District- Janjgir-Champa, Chhattisgarh..

---- Respondent

23/01/2019	Shri Manoj Paranjpe, Advocates for the appellants. Shri A.N. Bhakta, Dy. Adv. General for the State/respondent. Heard on IA No.1 of 2018, application for suspension of sentence and grant of bail to the appellant No.2. By the impugned judgment dated 9.4.2018 passed by the learned Sessions Judge, Janjgir-Champa, District-Janjgir-Champa, Chhattisgarh in S.T. No.125/2016, Appellant stands convicted as under:- <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>U/s 420/34 of IPC.</td><td>:</td><td>RI for 5 years & fine amount of Rs.10,000/- and in default of payment of fine further S.I. for the period of 6 months.</td></tr></table>		Conviction		Sentence	U/s 420/34 of IPC.	:	RI for 5 years & fine amount of Rs.10,000/- and in default of payment of fine further S.I. for the period of 6 months.
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U/s 420/34 of IPC.	:	RI for 5 years & fine amount of Rs.10,000/- and in default of payment of fine further S.I. for the period of 6 months.						

Learned counsel for the appellant No.2 submits that appellant No.2 has been wrongly convicted by the trial Court in the judgment without there being any cogent and reliable evidence in support of the prosecution case. Appellant No.2 had been on bail during the pendency of trial against him and he has not misused that liberty. The other accused persons, who have preferred appeal against conviction before this Court namely- Ramsevek Sakhya, Zahir Khan and Ramsukh Kashyap have been granted bail by this Court after suspension of sentence of imprisonment imposed upon them, who were convicted on the same set of evidence as this appellant No.2 has been convicted, hence, it is prayed that the application be allowed.

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

Heard both the parties and perused the record of the trial Court.

Perused the evidence present on the record of the trial Court and the impugned judgment and also considering this fact that similarly placed co-accused persons have been enlarged on bail by this Court, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

Accordingly, the bail application is allowed.

Execution of substantive jail sentences imposed upon the appellant No.2 shall remain suspended during the pendency of this appeal and he shall be released on bail on his execution a 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 **2.4.2019**. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha