



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 880 of 2019

1 - Ramanand Choudhary S/o Nageshwar Choudhary Aged About 50 Years R/o Village Turkara, Police Station Gopalganj District Gopalganj (Bihar).

2 - Shilkumari W/o Govind Singh Karan Aged About 30 Years R/o Village Dabra, Police Station Dabra, Dehat District Gwalior, Madhya Pradesh.

... Appellant.

versus

State Of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

26/02/2026	Mr. Vikas Pradhan, Advocate for the appellant. Mr. Jitendra Shrivastava, GA for the State. Heard on I.A. No.3, an application filed by appellant No.2/Shilkumari seeking suspension of fine amount and extension of date of appearance before the Registry.

It is not in dispute that both appellants were granted bail by the Co-ordinate Bench of this Court vide order dated 15.07.2019, subject to furnishing a personal bond for a sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the trial Court for their appearance before the Registry of this Court on 05.11.2019. They 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 them by the said Court, till disposal of this appeal. However, despite the said order, appellant No.2 continues to remain in custody solely on account of her inability to deposit the fine amount of Rs.1,00,000/- imposed by the trial Court, which was not stayed by the Co-ordinate Bench while granting bail to the appellants.

Learned counsel for the appellants contended that appellant no.2 is a poor lady and unable to deposit the fine amount of Rs.1,00,000/- as imposed by the trial Court, however, she can pay sum of Rs.25,000/- as fine amount at present. Appellant No.2 is in jail since 03.07.2017 to till date and thereby she has already served about 08 years 07 month 15 days of jail sentence. Appeal is likely to take considerable time for its final disposal, therefore,

direction be issued to pay sum of Rs.25,000/- as fine amount instead of Rs.1,00,000/-. In support of his contention, he places reliance upon the decision of Hon'ble Division Bench of this Court passed on 10.09.2025 in CRA No.503/2021.

Per contra, learned State counsel opposes the prayer, but fairly submits that the bail granted to the appellants on 15.07.2019 and has not been operationalised due to non-fulfilment of condition of deposit of fine amount.

Having considered the rival submissions, particularly that appellant no.2 is able to pay sum of Rs.25,000/- as fine amount at present, this Court finds that continued incarceration of appellant No.2 despite a subsisting bail order in her favour, only on account of her inability to deposit the fine due to indigence, would result in grave prejudice and defeat the very object of suspension of sentence already granted; out of 10 years of jail sentence, appellant no.2 has already served about 08 years 07 month 15 days of jail sentence, which is a factor that cannot be lightly ignored.

Accordingly, I.A. No.3 is allowed, it is directed that upon depositing a sum of Rs.25,000/- (Twenty Five Thousand only), out

of total fine amount imposed upon appellant No.2, before the trial Court remaining portion of fine amount shall remain suspended during pendency of this appeal. Appellant No.2 shall be released on bail forthwith in terms of the order dated 15.07.2019 passed by Co-ordinate Bench of this Court, however, the date of appearance of appellant No.2 before the Registry is extended and now appellant No.2 shall appear before the Registry of this Court on 22.04.2026 and, thereafter, she shall appear before the concerned Trial Court on all subsequent dates given by concerned Court and shall continue to appear there till final disposal of the appeal.

List this case for final hearing in due course.

A copy of this order be communicated forthwith to the concerned jail authorities for compliance.

Sd/-
(Arvind Kumar Verma)
Judge