

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 891 of 2018

1. Nirapad Mandal S/o Jatin Mandal Aged About 57 Years
2. Nitai Mandal S/o Nirapad Mandal Aged About 25 Years

Both are R/o Village P. V. 8 Chankyapuri Pakhanjoor P. S. Pakhanjoor District North Bastar Kanker Chhattisgarh

---- Appellants

Versus

- State of Chhattisgarh Through P. S. Pakhanjoor District North Bastar Kanker Chhattisgarh

---- Respondent

02/07/2018	Shri PK Tulsyan, Advocate for the appellants. Shri S.K. Mishra, PL for the State. Heard. Admit. Call for the record. Also heard on I.A.No.1, application for suspension of sentence and grant of bail. The appellants stand convicted under Section 135 of the Indian Electricity Act and Sections 294, 506 & 353/34 read with Section 186/34 IPC and sentenced to undergo R.I. for 6 months, S.I. for 1 month, R.I. for 3 months & R.I. for 6 months and to pay fine of Rs.4,07,442/-, Rs.100/-, Rs.100/- & Rs.100/-, each, respectively, with usual default stipulation vide judgment dated 08.06.2018 passed by the Special Judge (Electricity Act), North Bastar, Kanker (C.G.) in Special (Electricity Act) Case No.38/2017. Learned counsel for the appellants would submit that the appellants were on bail during trial and the sentence awarded is only for six months and the appeal will take some time for hearing on merits, therefore, the substantive jail sentence imposed upon the appellants may

ashu	be suspended and they may be released on bail. Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail. Considering the short sentence and the fact that the appellants were on bail during the trial and the appeal will take some time for hearing, I am inclined to suspend the sentence and release the appellants on bail. Accordingly, I.A.No.1, application for suspension of sentence and grant of bail is allowed. Execution of further substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on each of them depositing fine amount of Rs.50,000/- and on each of them 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 their appearance before the Registry of this Court on 20th of August, 2018. 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 the disposal of this appeal. Sd/- Goutam Bhaduri Judge
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