

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 450 of 2016

1. Parsuram, S/o Lal Sai Uraon, Aged About 25 Years R/o Barpali, P.S. - Kartala, District Korba Chhattisgarh
 2. Banwari, S/o Ratiram Kanwar, Aged About 45 Years, R/o Barpali, P.S. - Kartala, District Korba Chhattisgarh
- Appellants**

Versus

State Of Chhattisgarh, Through The P.S. Kartala, District Korba, Chhattisgarh

---Respondent

27/03/2019	Mr. Kalyan Kalamkar, counsel for the appellant/s. Mr. Anand Verma, Dy. G.A. for the State. Heard. There is an application (I.A. No.2) for modification of order dated 27.11.2018. The appellants have been convicted under the impugned judgment of conviction and order of sentence dated 11.02.2016 passed by learned Additional Session Judge (FTC) Korba (C.G.) in Sessions Trial No.96/2013 & 74/2014 respectively for the offence as follows :									
	<table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 376(2)(घ) read with Section 34 of IPC</td><td>Rigorous Imprisonment for 10 years and fine of Rs.3000/- and in default of payment of fine, six months SI to each accused.</td></tr><tr><td>Under Section 302 read with Section 34 of IPC</td><td>Imprisonment for life and fine of Rs.3000/-, in default of which, additional S.I. for six months each accused.</td></tr><tr><td>Under Section 201 read with Section 34 of IPC</td><td>Rigorous Imprisonment for three years and fine of Rs.1000/- and in default of payment of fine, 2 months SI to each accused.</td></tr></table>	Conviction	Sentence	Under Section 376(2)(घ) read with Section 34 of IPC	Rigorous Imprisonment for 10 years and fine of Rs.3000/- and in default of payment of fine, six months SI to each accused.	Under Section 302 read with Section 34 of IPC	Imprisonment for life and fine of Rs.3000/-, in default of which, additional S.I. for six months each accused.	Under Section 201 read with Section 34 of IPC	Rigorous Imprisonment for three years and fine of Rs.1000/- and in default of payment of fine, 2 months SI to each accused.	
Conviction	Sentence									
Under Section 376(2)(घ) read with Section 34 of IPC	Rigorous Imprisonment for 10 years and fine of Rs.3000/- and in default of payment of fine, six months SI to each accused.									
Under Section 302 read with Section 34 of IPC	Imprisonment for life and fine of Rs.3000/-, in default of which, additional S.I. for six months each accused.									
Under Section 201 read with Section 34 of IPC	Rigorous Imprisonment for three years and fine of Rs.1000/- and in default of payment of fine, 2 months SI to each accused.									

Learned counsel for the appellants prays that the conditions of grant of bail may be modified because the appellants, who have been directed to be enlarged on bail, are tribals suffering from extreme poverty and also because of their own surrounding circumstances, they are unable to get sureties for the amount as directed by this Court with the result that even after grant of bail, they are unable to furnish the bail and come out.

On the other hand, learned State counsel submits that this Court had directed release on furnishing personal bond and sureties taking into consideration the nature and gravity of offence, for which, the appellants have been convicted and the prayer for modification may be considered keeping in view the aforesaid aspect and that presence of the appellants may be secured during the pendency of this appeal.

We have heard learned counsel for the parties.

Taking into consideration the plight of the appellants and they are tribals residing in remote area, the conditions of release on bail are modified in the manner that the appellants shall be released on bail on each of them furnishing a personal bond of Rs.10,000/- along with two local sureties of the like amount to the satisfaction of the Trial Court. Their date of appearance before the concerned trial Court would now be 30th of May, 2019.

Application (I.A. No.2) for modification is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge