

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1061 of 2019

Parmanand S/o Kuber Banchhod, aged about 29 years, Caste Banchhod, R/o Village Siyarmaliya, Police Station Kundaiguda, District- Deogarh, Orissa.

---- Appellant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Lailunga, District- Raigarh, Chhattisgarh.

---- Respondent

29/08/2019	Mr. C.R. Sahu, Counsel for the Appellant. Ms. Smriti Shrivastava, P.L. for the State/Respondent. Heard on admission. Admit. Call for the record of the Court below. Also heard on I.A. No. 02/2019, an application for suspension of sentence and grant of bail to the Appellant. By the impugned judgment date 29.03.2016 passed by the learned Third Additional Sessions Judge, Gharghoda, District Raigarh (C.G.) in S.T. No.227/2014, the Appellant stands convicted under Section 489 (C) of IPC and sentenced to undergo RI for 07 years with a fine of Rs.1,000/- with default stipulation.

Learned counsel for the Appellant submits that the Appellant has been wrongly convicted without there being any clinching evidence available on record. He also submits that on the same set of evidence other accused namely Dukhbandhu & Sudhanram Yadav have already been granted bail by this Court. He further submits that the present Appellant is in custody since 31.08.2014 and he has completed more than 05 years of imprisonment out of 07 years imposed upon him by the Trial Court. Hence, it is prayed that his 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.

After perusing the impugned judgment and considering the fact that the instant appeal is likely to take some more time, for these reasons, I am of this opinion that it will be proper to release the Appellant on bail during the pendency of this appeal.

Execution of substantive jail sentences imposed upon the appellant 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.50,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for his

appearance before the Registry of this Court on **25.11.2019**. 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.

List this case for final hearing in due course along with
CRA No.557/2016 & CRA No.798/2016.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh