

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 75 of 2017

- Lileshwar Kumar Dhruw S/o Sewaram Dhruw, Aged About 24 Years R/o Village Amlor, Police Station-Tumgaon, District Mahasamund At Present 16th Battalion, Ravghat, Kanker, District North Bastar Kanker, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station-Tumgaon, District-Mahasamund, Chhattisgarh.

---- Respondent

15/03/2017	Shri Vikash Pradhan, Advocate for the appellant. Shri Adil Minhaj, PL for the State. Heard on IA No.1 of 2017, application for suspension of sentence and grant of bail to the appellant. Issue notice to the respondent/State. Learned State Counsel Shri Adil Minhaj, however, accepts notice on behalf of State. By the impugned judgment dated 03.01.2017 passed by the learned 1st Additional Sessions Judge, Mahasamund, District-Mahasamund, Chhattisgarh in Session Case No. 54 of 2014, the appellant stands convicted under Section 4 of Explosive Substances Act, 1908 and sentenced to undergo RI for 4 years and to pay fine of Rs.5,000/-, in default of payment of fine, to further undergo rigorous imprisonment for one year. Learned counsel for the appellant submits that the trial Court has erroneously passed the judgment of conviction against the appellant. Appellant has a good case of succeeding in appeal. The statement of witnesses of Gangadhar PW/4, Dauwaram PW/5 and Hemendra Kumar Dhruv PW/10 do not support the prosecution case, who were the important witnesses of memorandum and seizure.	

Further, on the basis of the statement of other prosecution witnesses no case is made out against the appellant. Appellant was on bail during trial but taken into custody after his conviction under these circumstances appellant is entitled for suspension of sentence and grant of bail.

On the other hand, learned counsel for the State has opposed the bail application and submits that though the trial has been only under the provisions of Explosive Substances Act, 1908, appellant could also been charged for offences under the provisions of Indian Penal Code, hence, is not entitled for bail.

Considering the facts and circumstances of this case and specifically this fact that appellants had been on bail during trial, further, he is resident of District-Mahasamund, it appears that this is a fit case, in which the appellant should be released on bail.

Accordingly, the application is allowed.

It is directed, that the jail sentence imposed upon appellant shall remain suspended during the pendency of this appeal; and he shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **19.5.2017** and thereafter before the concerned trial Court on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

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