

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 148 of 2017

Chandra Govind @ Nanu Shrivastava S/o Late Ram Dular Shrivastava Aged About 28 Years R/o Village- Sodra, Police Station- Dharsiwa, Presently Residing Solapuri Mata Temple, Sanyasipara, Police Station- Khamtarai Raipur, District Raipur, Chhattisgarh.,
Chhattisgarh

--- Appellant

Versus

State of Chhattisgarh through District Magistrate Raipur, District Raipur, Chhattisgarh.,
Chhattisgarh

--- Respondent

08.02.2018	Mr. Awadh Tripathi, counsel for the appellant. Mr. S.R.J. Jaiswal, Panel Lawyer, for the State. Heard on I.A.No.2 of 2017 for suspension of sentence and grant of bail. The appellant stands convicted by the Judgment dated 03.09.2016 passed by the learned Addl. Sessions Judge (FTC), Raipur, Distt. Raipur (C.G) in Sessions Trial No..46 of 2015 for the offence punishable u/ss 456, 354 & 376/511 of IPC and sentenced to undergo R.I., for 3 years, R.I.for 3 years and R.I.for 5 years respectively and to pay a fine of Rs. 1000/- on each count with further default stipulations. Learned counsel for the appellant would submit that the statement of prosecutrix would show that false allegations have been made as some monetary transactions were made between them and the prosecutrix appears to be a married lady and overall reading of the statement would show that no offence is made out. He further submits that the appellant was on bail during trial and did not misuse the liberty granted to him. It is further submitted that the appellant is in jail for the last more than one-and-half years; this appeal is of the year 2017 and final hearing will likely to take time, therefore, the substantive jail sentence of the appellant may be suspended and he may be released on bail. Per contra, learned State Counsel opposes the prayer.	

R a o	Perused the statement of P.W.1 the prosecutrix. Considering her statement and the fact that the appellant is in jail for the last more than one-and-half year, I am inclined to suspend the substantive jail sentence of the appellant. Accordingly, I.A.No. 2 of 2017 is allowed and it is directed that the execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 07th May, 2018. 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. Accordingly, I.A.No.1/2017 for urgent hearing stands disposed of. Cc as per rules. Sd/- GOUTAM BHADURI JUDGE	
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