



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1222 of 2018

Vinod Bhaina S/o Daduram Bhaina Aged About 26 Years R/o Village Chhatouna, Police Chowki Belgahana, Police Station Kota District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Appellant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---Respondent

05/12/2018	<p>Shri Rajkumar Pali, Advocate for the appellant.</p> <p>Shri Vijay Bahadur Singh, P.L. for the State.</p> <p>Heard on I.A. No. 3 of 2018, an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 19.04.2018 passed by the Learned Fifth Additional Sessions Judge, Bilaspur, District Bilaspur, Chhattisgarh in Sessions Trial No. 101 of 2017, the appellant stands convicted under Section 201 read with Section 34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.300/-, in default of payment of fine, to further undergo RI for 1 month.</p> <p>Learned counsel for the appellant submits that the appellant has been erroneously convicted and sentenced by the trial Court in the impugned judgment. The appellant is in jail since 26.5.2017. No</p>



case is made out by the prosecution against the appellant. Similarly placed co-accused persons, who have been sentenced with life imprisonment, have been enlarged on bail by the Division Bench of this Court in Cr.A. Nos. 1143 & 1184 of 2018 vide order dated 1.11.2018. Hence, it is prayed that the application be allowed.

Learned State counsel opposes the bail application.

Perused the impugned judgment of the Court below.

After perusing the record of the trial Court and the evidence present against the appellant, I feel inclined to allow the I.A. No. 3 of 2018, an application for suspension of sentence and grant of bail. Consequently, the same is allowed.

It is directed that the jail sentence imposed upon the 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.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **13.2.2019** 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.

Registry is directed to list this case alongwith connected cases for final hearing before the Division Bench.

Sd/-

(Rajendra Chandra Singh Samant)
Judge