

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 494 of 2017

1. Nohar Das S/o Dharam Das Tandon Aged About 30 Years R/o Village Marpa, Police Station Kawardha, Civil And Revenue District Kabirdham, Chhattisgarh
2. Kishan Kumar @ Sonu S/o Udayram Aged About 25 Years R/o Village Khokhali, Police Station Bhatapara, District Baloda Bazar, Chhattisgarh
3. Chandrabhan @ Chandra, S/o Narayan, Aged About 25 Years R/o Village Khokhali, Police Station Bhatapara, District Baloda Bazar, Chhattisgarh
4. Sher Singh Banjare @ Jeevan Banjare, S/o Tirath Banjare, Aged About 28 Years R/o Village Medhaki, Police Station Nandghat, District Bemetara At Present Resident Of Durga Chowk, Lalpur, Near MMI Hospital Police Station Tikrapara, District Raipur, Chhattisgarh

---- Appellants

Versus

- State of Chhattisgarh Through Police Station Nevra, Civil And Revenue District Raipur, Chhattisgarh

---- Respondent

25/07/2018	Shri A.P. Sharma, Advocate for the appellants. Shri SK Mishra, PL for the State. Heard on I.A.No.1/18, application for suspension of sentence and grant of bail. The appellants stand convicted under Sections 379, 420, 467, 468 & 471 IPC and sentenced to undergo R.I. for 3 years, R.I. for 3 years, R.I. for 4 years, R.I. for 3 years & R.I. for 3 years and to pay fine of Rs.200/-, Rs.200/-, Rs.500/-, Rs.200/- & Rs.200/-, respectively, with usual default stipulation vide judgment dated 27.02.2017 passed by the Additional Sessions Judge, Raipur, District Raipur in S.T. No.133/16. Learned counsel for the appellants would submit that the appellants are in jail since 8.04.2016 and out of four years of jail sentence they have suffered 2 years & 3 months and have completed more than 50% of the jail sentence

ashu	and the appeal will take some time for hearing on merits, therefore, the substantive jail sentence imposed upon the appellants may be suspended and they may be released on bail. State counsel do not dispute the fact that the appellants have suffered more than half of the jail sentence. Considering the fact that the appellants are in jail since 08.04.2016 and have suffered more than half of the jail sentence and the appeal will take some time for hearing, I am inclined to suspend the sentence and release the appellants on bail. Accordingly, I.A.No.1/18, application for suspension of sentence and grant of bail is allowed. Execution of further substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on each of them executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for their appearance before the Registry of this Court on 20th September 2018. They 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 them by the said Court, till the disposal of this appeal. Sd/- Goutam Bhaduri Judge
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