

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 545 of 2017

1. Mohd. Nasir @ Nasaru, S/o. Shri Mohd. Ishaque @ Dallu, aged about 30 years,
 2. Mohd. Maksood, S/o. Shri Mohd. Ishaque @ Dallu, aged about 22 years,
 3. Mohd. Ishaq @ Dallu, S/o. Shri Mohd. Niyaj, aged about 53 years,
- All are residence of Nayapara Mahasamund, Thana & Tahsil – Mahasamund, Civil and Revenue District – Mahasamund (C.G.)
- Appellants.

Versus

State Of Chhattisgarh, Through : the District Magistrate, Mahasamund, District- Mahasamund (C.G.)

---Respondent

17/05/2017	Mr. Sunil Sahu, counsel for the appellants. Ms. M. Asha, Panel Lawyer for the State. Heard on I.A. No.1/2017 for suspension of sentence and grant of bail. Appellants have been convicted by the judgment of conviction and order of sentence dated 29.03.2017, passed in S.T. No. 59/2015 by the learned Second Additional Sessions Judge, Mahasamund (C.G.) in the following manner with a direction to run the sentences concurrently:- <table><tr><td>U/s. 307/34 of Indian Penal Code</td><td>:</td><td>R.I. for 4 years and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.</td></tr><tr><td>U/s. 323/34 of Indian Penal Code</td><td>:</td><td>R.I. for 1 year and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.</td></tr></table> Learned counsel appearing for the appellants would submit that the appellant No.3 was on bail during the trial and the appellants No. 1 and 2 are in jail since 26.06.2015 and have completed more than one year and 9 months of jail sentence. He would further submit that the appeal may take some time for its	U/s. 307/34 of Indian Penal Code	:	R.I. for 4 years and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.	U/s. 323/34 of Indian Penal Code	:	R.I. for 1 year and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.
U/s. 307/34 of Indian Penal Code	:	R.I. for 4 years and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.					
U/s. 323/34 of Indian Penal Code	:	R.I. for 1 year and fine of Rs.100/- and in default of payment of fine, further R.I. for 3 months.					

balram	hearing on merits, therefore, the sentence awarded to the appellants may be suspended and they may be enlarged on bail. Per contra, the learned State counsel opposes the prayer for suspension of sentence and grant of bail. Considering the fact that the appellant No.2 and 3 are in jail since 26.06.2015 and they have completed more than 1 year and 9 months of their jail sentence and the appellant No.1 was on bail during the trial and further considering the statement of (P.W.-12) Dr. K. Gajbhiye, I find that it is a fit case to suspend the sentence and release the appellants on bail. Accordingly, I.A. No.1/2017, application for suspension of sentence and grant of bail, is allowed. Execution of substantive jail sentence imposed on appellants shall remain suspended and they are directed to be released on bail on their executing a personal bond for a sum Rs.25,000/- with one surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on <u>28th July, 2017</u>. 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. Certified copy as per rules. Sd/- (Goutam Bhaduri) Judge
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