

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No 569 of 2017

- Murli Prasad Choudari S/o Shri Bansi Choudary Aged About 41 Years Occupation Accountant Office Of Surajpur District Education Officer, R/o Mishra Gali Bhayianath Road Surajpur, District Surajpur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through E O W / A C B, Police Station A C B Raipur, District Raipur, Chhattisgarh.

---- **Respondent**

13-4-2017	<p>Mr. Ashutosh Trivedi, counsel for the appellant.</p> <p>Mr. Sameer Behar, Panel Lawyer for the State.</p> <p>Heard on admission.</p> <p>The appeal is admitted for hearing.</p> <p>Also heard on I.A.No. 01 of 2017, application for suspension of sentence and grant of bail.</p> <p>By the impugned judgment dated 30-3-2017 passed by the learned Special Judge (Anti Corruption), Surajpur, District Surajpur (CG) in Special Session Trial No. 4 of 2015, the appellant stands convicted as under:</p>					
	<table border="1"><thead><tr><th><u>CONVICTION</u></th><th><u>SENTENCE</u></th></tr></thead><tbody><tr><td>1) Section 7 of Prevention of Corruption Act, 1988</td><td>RI for 3 years and to pay fine of Rs.5000/- and in default of payment of fine, to undergo additional RI for six months.</td></tr></tbody></table>	<u>CONVICTION</u>	<u>SENTENCE</u>	1) Section 7 of Prevention of Corruption Act, 1988	RI for 3 years and to pay fine of Rs.5000/- and in default of payment of fine, to undergo additional RI for six months.	
<u>CONVICTION</u>	<u>SENTENCE</u>					
1) Section 7 of Prevention of Corruption Act, 1988	RI for 3 years and to pay fine of Rs.5000/- and in default of payment of fine, to undergo additional RI for six months.					

2) Section 13 (1)(d) read with Section 13 (2) of Prevention of Corruption Act, 1988	RI for 4years and to pay fine of Rs. 5000/- and in default of payment of fine to undergo additional RI for six months.

Both the sentences are directed to run concurrently.

Learned counsel appearing for the appellant would submit that the appellant was on bail during trial and he did not misuse the liberty granted to him. He would further submit that the appeal is likely to take some time for its final disposal, therefore, the appellant may be released on bail.

On the other hand, State counsel opposes the bail application.

Perused the judgment of the court below.

Considering the fact that the appellant was on bail during trial and he did not misuse the liberty granted to him and further considering the fact that this appeal may take some time for its final disposal, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, I.A.No.1 of 2017 is allowed and it is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to

the satisfaction of the trial Court. He shall appear before the Registry of this Court on 4-7-2017 and thereafter shall appear before the concerned trial Court on a date to be given by the Registry and shall continue to appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(GOUTAM BHADURI)
Judge

Raju