



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1354 of 2022

Shitendra Dhruw S/o Basant Dhruw Aged About 39 Years R/o Behind R.K.
Petrol Pump, Gandhirwapara, Ashok Nagar, Police Station Sarkanda,
District- Bilaspur, Chhattisgarh.

... Appellant

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sarkanda, District- Bilaspur, Chhattisgarh.

... Respondent

Order Sheet

25/02/2025	Heard Mr. Shashi Kumar Kushwaha, learned counsel for the appellant and Ms. Ankita Shukla, learned Panel

Lawyer, appearing for the State/respondent on the instant application for suspension of sentence and grant of bail (I.A. No. 01).

By the impugned judgment of conviction and order of sentence dated 25/06/2022 passed in Sessions Trial No. 109/2019, the learned First Additional Sessions Judge , Bilaspur, C.G, has convicted and sentenced the appellant in the following manner:

Conviction under Section	Sentence (Rigorous imprisonment)	Fine	In default of payment of fine add. R.I.
Section 304 Part-I of IPC	10 years	Rs. 1,000/-	3 months

Learned counsel for the convict/appellant argued that the appellant is said to have assaulted his father i.e. deceased by hard object who died and FIR is lodged by sister of the appellant and the real motive attributed to the appellant for causing murder of his father could not be established, but he could not dispute the fact that deceased was living with the appellant and it is stated that sentence awarded to the appellant under Section 304 Part-I of IPC is 10 years out of which appellant has already served out more than 5 years of

jail sentence. Appeal is likely to take a couple of years or even more in its final disposal and if the bail is not granted to the appellant, the present appeal would become infructuous. Learned counsel for the appellant relied upon the judgment passed by the Hon'ble Apex Court in the matters of ***Atul Alias Ashutosh vs. State of Madhya Pradesh (2024) 3 SCC 663*** and ***Nanhe Lal Verma vs. State of Madhya Pradesh (Arising out of SLP (Criminal) No. 14769 of 2024)*** decided on 25.11.2024 wherein, the Hon'ble Apex Court has held that when there is a fixed term sentence and especially when the appeal is not likely to be heard before completing entire period of sentence, normally suspension of sentence and bail should be granted.

Ms. Ankita Shukla, learned Panel Lawyer, appearing for the State opposes the prayer for grant of bail.

Considering the submissions advanced by the learned counsel for the parties, further considering the law laid down by the Hon'ble Apex Court in ***Atul Alias Ashutosh*** (supra) and ***Nanhe Lal Verma*** (supra), considering the fact that the appellant has already served out more than 5 years of jail

sentence awarded to him and further considering that hearing of this appeal would take prolonged period of time, if the bail is not granted to the appellant, the present appeal would become infructuous, as such, I deem it appropriate to allow the application for suspension of sentence and grant of bail moved on behalf of the appellant.

Accordingly, the substantive jail sentence awarded to appellant by the learned trial Court is hereby suspended. He shall be released on bail on his executing bail bond to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **21.04.2025**. He shall thereafter appear before the concerned 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, interval being not less than 6 months, till final disposal of this appeal.

Consequently, IA No. 01 is **allowed**.

It is made clear that the observations made hereinabove are only confined for disposal of aforesaid IA filed in this appeal and it shall not be construed as an

expression of opinion of this Court on merits of the case.

List this matter for final hearing.

Certified copy, as per rules.

Sd/-
(Ramesh Sinha)
Chief Justice