

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 417 of 2016

- Emil Sai Ekka S/o Kadam Ekka, Aged About 23 Years, R/o Village : Saraipara Guturama, Police Station Sitapur District Surguja Chhattisgarh, Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station : Sitapur District Surguja Chhattisgarh, Chhattisgarh

---- Respondent

08/07/2021	Shri Atanu Ghosh, Advocate for the appellant. Shri Alok Nigam, Govt. Advocate for the State/respondent. Heard on I.A.No.1/2020, application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 23-01-2016 passed in S.T. No. 16/2014 by the 3rd Additional Sessions Judge, Ambikapur, District Surguja, C.G. in the following manner :- <table><tr><td>Conviction</td><td></td><td>Sentence</td></tr><tr><td>U/s 370(3) of the IPC</td><td></td><td>R.I. for 10 years and fine of Rs.500/- in default of payment of fine further S.I. for 06 months.</td></tr></table> It is submitted on behalf of the appellant, that this is 3rd application for suspension of sentence and grant of bail to the appellant. His first application was dismissed on merits on 24-03-2017 and his second application was dismissed as withdrawn on 16-11-2018, while dismissing the second application this Court had granted liberty to this appellant to file repeat application after completion of half of the sentence imposed upon him. It is submitted that the appellant has undergone more than half of the sentence imposed upon him, whereas, he has been sentenced with maximum imprisonment of 10 years. There is no likelihood of this appeal being taken up for final hearing in near future. Hence, for this reason, it is prayed that he may be granted bail. Per contra, learned counsel for the State opposes the application submitting	Conviction		Sentence	U/s 370(3) of the IPC		R.I. for 10 years and fine of Rs.500/- in default of payment of fine further S.I. for 06 months.
Conviction		Sentence					
U/s 370(3) of the IPC		R.I. for 10 years and fine of Rs.500/- in default of payment of fine further S.I. for 06 months.					

that the first application has already been decided on merits, therefore, looking to the case against this appellant, he is not entitled for grant of bail.

Considered on the submissions. As it appears that this appellant has already undergone more than half of the jail sentence and there is likelihood of delay in final hearing of this appeal, hence, for this reason alone I feel inclined to allow this application for suspension of sentence and grant of bail.

Accordingly, I.A.No.1/2020, application for suspension of sentence and grant of bail 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 his furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **23rd of September, 2021**. He 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 him by the said Court, till disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge