

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 548 of 2016

- Jivrakhan Lal Shori S/O Late Maharu Ram Shori Aged About 62 Years Occupation Retired Lekhapal Office At Prabandh Sanchalak Zila Laghu Vanopaz Sakhari Sangh Purva Mariyadit Bhanupratappur P.S District Kanker, Permanent R/O Tehsil Para, Bhanupratappur, District North Bastar Kanker, Chhattisgarh.

----Appellant

Versus

- State Of Chhattisgarh Throgh E.O.W. / A.C.B. Jagdalpur, District Jagdalpur, Chhattisgarh.

---- Respondent

25/04/2016	Shri Rakesh Kumar Shukla, counsel for the appellant. Shri Adil Minhaj, P.L. for the State. Heard on admission. The appeal is admitted for hearing. Call for the records of the court below. Also heard on I.A. No.01, application for suspension of sentence and grant of bail. By the impugned judgment dated 08.04.2016 passed by the Special Judge (Anti-corruption), Kanker in Special Case No.02/2011 the accused/appellant stands convicted under Sections 7 and 13(1)(d) read with Section 13(2) Prevention of Corruption Act and sentenced to undergo RI for one year and fine of Rs. 5,000/- and RI for two years and fine of Rs. 10,000/- respectively with default stipulations. Contention of the counsel for the appellant is that the maximum sentence which has been awarded to the appellant is of two years. He submits that during trial the appellant was on bail and even after pronouncement of judgment impugned he has been granted bail. He further submits that the appeal is likely to take sometime for its final	

disposal therefore he may be released on bail.

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

Considering the totality of the fact in particular the short sentence awarded to the appellant, without further commenting on merits, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, the application 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. 10,000/- with one surety in like sum to the satisfaction of the trial court. The appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-
Pritinker Diwaker
Judge