

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

Criminal Appeal No. 950 of 2016

1. Soheli Ali @ Jimmi, S/o Sultan Ali, aged about 22 years, R/o Near Sarkari Kuan, Masjid Kota, P.S. Saraswati Nagar, Raipur, Tahsil & District Raipur (C.G.)

2. Sunil @ Sony Nayar, S/o Santosh Nayar, aged about 22 years, R/o Kota Colony, House No. 138, P.S. Saraswati Nagar, Raipur, Tahsil & District Raipur (C.G.)

... Appellants

versus

• State of Chhattisgarh, through: Police Station Saraswati Nagar, Raipur, District Raipur (C.G.)

... Respondent

03/03/2023	<p>Mr. Kishore Bhaduri, Senior Advocate, along with Mr. Sabyasachi Bhaduri, Advocate, for Appellant No.2.</p> <p>Mr. R.M. Solapurkar, Government Advocate, for Respondent-State.</p> <p>Mr. Sangeet Kumar Kushwaha, Advocate, for Objector.</p> <p>Heard on I.A. No.1/2023, which is an application under Section 389 of CrPC seeking for suspension of sentence and grant of bail to Appellant No.2.</p> <p>So far as Appellant No.2 Sunil @ Sony Nayar is concerned, vide Judgement dated 27.6.2016 passed by the 6th Additional Sessions Judge, Raipur in Sessions Case No.240/2012, he stands convicted under Section 148, 302/149, 326/149 of IPC and has been sentenced to undergo R.I. for 3 years under Section 148 of IPC, R.I. for Life & fine of Rs.500/- with default stipulation of additional R.I. for 1 month and R.I. for 10 years & fine of Rs.500/- with default stipulation of additional R.I. for 1 month, with a direction to run all the sentences concurrently.</p> <p>Learned Senior Counsel for Appellant No.2 submits that Appellant No.2 is in jail since 20.11.2012 as such he has already completed more than 10 years of the substantive jail sentences and the Appeal, being an allotted matter to the Special Bench, it may take time to conclude final hearing. Therefore, suspending the sentence, Appellant No.2 may be released on bail during pendency of Appeal.</p>

In support of his submission, learned Senior Counsel has placed reliance upon the decision of the Hon'ble Supreme Court in the matter of "**Sonadhar Vs. The State of Chhattisgarh**" reported in **2022 LiveLaw (SC) 788**.

Learned State Counsel on the other hand opposes I.A. No.1/2023.

We have heard the Counsels for respective parties and also perused the records.

Taking into consideration the fact that Appellant No.2 is in jail since 20.11.2012 and by now he has completed more than 10 years of substantive jail sentences and also considering the fact that the present Bench, being a Special Bench, having no regular sitting, the Appeal may take some time to conclude final hearing, we are of the considered opinion that it is a fit case where Appellant No.2 deserves to be enlarged on bail during pendency of the Appeal.

It is ordered that in case Appellant No.2 furnishes a personal bond for a sum of **Rs.50,000/- with two sureties** of like amount to the satisfaction of the concerned Trial Court then the execution of the substantive jail sentences awarded to him shall remain suspended during pendency of the Appeal and he shall be released on bail for his appearance before the concerned Trial Court on **10.5.2023** and thereafter he shall continue to appear there on all such subsequent dates as are given to him by the Trial Court in this regard, till disposal of the present Appeal.

I.A. No.1/2023 stands allowed accordingly.

The Appeal is released from part heard matter to be listed for final hearing in due course, along with other connected Appeals.

Sd/-
(P. Sam Koshy)
JUDGE

Sd/-
(Parth Prateem Sahu)
JUDGE

sharad