

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 769 of 2016

Rajendra Singh Saggi (Kukku) S/o Late Sardar Harbhajan Singh Saggi,
Aged About 57 Years R/o 1395, Sanatan Dharm Mandir Road, Gorakhpur,
Thana - Gorakhpur, District Jabalpur Madhya Pradesh,
(Appellant/accused)

---- Applicant

Versus

1. State Of Chhattisgarh, Through District Magistrate, Durg, District Durg
(Chhattisgarh)

2. Smt. Rashmi Bilaiya, W/o Shri B. K. Bilaiya, Aged About 54 Years R/o 60-
B, Phase - 5 - A, Matri Nagar, Bhilai, Thana - Newai, Tah, & District Durg
Chhattisgarh

----Respondents

17/05/2017	<p>Shri Shrawan Agrawal, counsel for the applicant.</p> <p>Shri Anil S. Pandey, G.A. for the State.</p> <p>Heard.</p> <p>Admit.</p> <p>Call for the record.</p> <p>Issue notice to the respondent No.2 as per rules.</p> <p>Also heard on I.A. No.2/2016 bail application for suspension of sentence and grant of bail as also I.A. No.3/2016 application for suspension of compensation amount.</p> <p>Applicant has been convicted by the judgment dated 14/07/2016,</p>

passed in Criminal Appeal No.06/2016 passed by the 3rd Additional Sessions Judge, Durg District Durg in the following manner:-

U/s 138 of Negotiable Instrument Act.	:	6 months SI.
U/s 357 (3) of Cr.P.C.	:	Compensation of Rs.85,000/-, in default of payment of compensation, to undergo 3 months additional S.I.

The communication received from court below and the order sheet filed by the applicant would show that the applicant has surrendered before the court below on 4/05/2017. Learned counsel for the applicant submits that considering the same, the applicant may be released on bail as also application for suspension of compensation amount be allowed.

Learned State Counsel opposes the prayer for grant of bail.

Considering the fact that the applicant has surrendered on 4/05/2017 and the jail sentence is for 6 months and revision may take some time for hearing, therefore I am inclined to release the applicant on bail.

Accordingly, I.A. No.2/2016 bail application for suspension of sentence and grant of bail as also I.A. No.3/2016 application for suspension of compensation amount is allowed.

It is directed that on applicant's depositing 25% of the compensation amount before the trial court, the recovery of rest of the compensation amount shall remain stayed as also execution of further substantive jail sentence imposed on applicant shall remain suspended. In

pursuant to the suspension of jail sentence in order to release further the applicant is directed to execute a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **9th August, 2017**. 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 the disposal of this revision.

The respondent No.2 shall be entitled to withdraw the amount so deposited after furnishing security for the same before the trial court.

Sd/-

(Goutam Bhaduri)

Judge

