

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1307 of 2016

1. Ravindra Yadav S/o Shivprasad Yadav, Aged About 19 Years R/o Camp -2 Bhairav Basti, Adarsh Nagar, Bhilai District Durg Chhattisgarh
2. Bablu Yadav, S/o Musafir Yadav, Aged About 30 Years R/o Camp -2 Bhairav Basti, Adarsh Nagar, Bhilai District Durg Chhattisgarh

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chhawani, District Durg Chhattisgarh

25.10.2016	<p>Mr. B.P. Singh, Counsel for the appellants.</p> <p>Ms. M. Asha, Panel Lawyer for the State.</p> <p>Heard.</p> <p>Admit.</p> <p>Call for record.</p> <p>Also, heard on I.A. No. 1 of 2016, application for suspension of sentence and grant of bail.</p> <p>The appellants have been convicted for the offence punishable under Section 305 IPC to undergo R.I. for 5 years and to pay fine of Rs. 1000/- with default stipulation vide order dated 06.10.2016 passed by the Seventh Additional Sessions Judge, Durg in Sessions Trial No. 165/2014.</p> <p>Learned Counsel for the appellants submits that the maximum sentence that has been imposed upon the appellants is that of five years and they already remained in jail for more than 2 years and 3 months which is almost about half of the sentence</p>	

awarded and the present Appeal being of the year 2016 there is no likelihood of an early final disposal of the case, therefore, they may be enlarged on bail.

Learned State Counsel however opposes the bail application.

Taking into consideration the total facts and circumstances of the case particularly the fact that about half of the sentence has already been undergone by the Appellants and also considering the appeal being of the year 2016 there is no likelihood of an early final disposal of the case, this Court is of the opinion that the present is a fit case to suspend the jail sentence and grant them bail.

Accordingly, the I.A. No. 1 is allowed.

It is directed that the jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on furnishing a personal bond in the sum of Rs. 25000/- each with one surety in like sum to the satisfaction of the concerned trial Court. The appellants are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the appeal.

List this case for final hearing in due course.

Sd/-

P. Sam Koshy
Judge