

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1554 of 2022

1. Manoj Mishra S/o Late Jagdish Mishra Aged About 27 Years R/o Village - Kurridih, Ghuipara, Police Station - Jhilmili, District : Surajpur, Chhattisgarh
2. Ku. Aasha Mishra D/o Late Jagdish Mishra Aged About 28 Years R/o Village - Kurridih, Ghuipara, Police Station - Jhilmili, District : Surajpur, Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Adim Jati Kalyan Thana, Surajpur, District : Surajpur, Chhattisgarh

---Respondent

28.11.2022	Mr. Umankant Singh Chandel, counsel for the appellants. Mr. Ajay Kumrani, Panel Lawyer for the State. Heard on application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 16.09.2022 passed by the learned Special Judge (Atrocities), Surajpur, District- Surajpur (C.G.) in Special Case No. 48/2018, the appellants stand convicted, as under:- <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>U/s 323 of IPC</td><td>: S.I. for 1 month (to appellant No.1)</td></tr> <tr> <td>U/s 294 of IPC</td><td>: R.I. for 2 months (to appellant No.2)</td></tr> <tr> <td>U/s 3(1)(S) of the SCST Act</td><td>: R.I. for 6 months and fine of Rs.200/-, in default of payment of fine, 10 days R.I. (to appellant No.2)</td></tr> </tbody> </table>	Conviction	Sentence	U/s 323 of IPC	: S.I. for 1 month (to appellant No.1)	U/s 294 of IPC	: R.I. for 2 months (to appellant No.2)	U/s 3(1)(S) of the SCST Act	: R.I. for 6 months and fine of Rs.200/-, in default of payment of fine, 10 days R.I. (to appellant No.2)
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Learned counsel for the appellants would submit that maximum sentence awarded to appellant No. 1 is one month, which he has completed and maximum sentence awarded to appellant No. 2 is 6 months, therefore, he is not pressing bail application for appellant No. 1. Learned trial Court has convicted the appellants without appreciating materials on record. He would lastly submit that appellant No. 2 is pursuing L.L.B. Course at Rani Durgawati University, Jabalpur and the appeal being of the year 2022, final hearing of the same will likely to take time, therefore, the sentence of appellant No. 2 be kindly suspended and she be released on bail.

The victim has appeared before this Court through DLSA, Surajpur and raised objection in releasing the appellant on bail.

Learned State counsel opposes the bail application and would submit that the application for suspension of sentence be rejected.

Considering the fact that the maximum jail sentence awarded to the appellant is RI for six months, the appellant was on bail during trial and did not misuse the liberty granted to her and even after conviction, her jail sentence has been temporarily suspended by the learned trial Court and further considering the fact that the appeal being of the year 2022, final hearing of the same will likely to take time, I am inclined suspend the sentence of appellant No. 2 and release her on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and she shall be released on bail on executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for her appearance before the Registry of

this Court on **10th January, 2023**. She 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 her by the said court till the disposal of this appeal.

List this appeal for final hearing.

**Sd/-
(Narendra Kumar Vyas)
Judge**

kkd