

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1574 of 2022**

- Surendra Singh Saluja @ Chotu Sardar, S/o Devendra Singh Saluja, aged about 38 Years, R/o Civil Line, Manendragarh P.S. Manendragarh, District Koriya, Chhattisgarh.

----Appellant**Versus**

- The State of Chhattisgarh, Through District Magistrate, Baikunthpur, District Koriya, Chhattisgarh.

---- Respondent

14/10/2022	Mr. Pragalbha Sharma, counsel for the appellant. Mr. Sanjay Pathak, P.L. for the State. Heard on admission. The appeal is admitted for hearing. Call for the record of the trial Court. Also heard on I.A. No.1 of 2022, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 22.09.2022 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Baikunthpur, District Koriya, C.G. in Special Criminal Case No.28/2019, the appellant stands convicted and sentenced as under:	
	Conviction	Sentence
	Under Section 34 (2) of C.G. Excise Act, 1915	Rigorous Imprisonment for one year and fine of Rs.25,000/-, in default of payment of fine amount to undergo further additional simple

		imprisonment for six months
	Under Section 332 of Indian Penal Code	Rigorous Imprisonment for six months and fine of Rs.500/-, in default of payment of fine amount to undergo further additional simple imprisonment for one month
	Under Section 3 of Prevention of Damage to Public Property Act, 1984	Rigorous Imprisonment for six months and fine of Rs.500/-, in default of payment of fine amount to undergo further additional simple imprisonment for one month
(All sentences were directed to run concurrently)		
Learned counsel for the appellant submits that the trial Court has not properly appreciated the overall evidence available on record for holding the appellant guilty. He further submits that there are major contradictions and omissions in the statements of the prosecution witnesses. The appellant was on bail during trial and did not misuse the liberty granted to him and after passing of the impugned judgment he is in jail. The disposal of the appeal is likely to take some time. Therefore, the appellant be released on bail. On the other hand, learned counsel for State opposes the bail application. Heard learned counsel for the parties. Considering the facts and circumstances of the case, in particular the fact that the maximum sentence awarded to the appellant is of one year, the fact that the appellant was on bail during trial and even after passing of the impugned judgment for a limited period and did not misuse the liberty granted to him and that disposal of this appeal is likely to take		

some time, without expressing any opinion on the merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No.01 of 2022) is allowed.

It is directed that the execution of substantive 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.25,000/- with one surety of the like sum to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **06.12.2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said Court till disposal of this appeal.

List the case for final hearing in due course.

Sd/-
(Radhakishan Agrawal)
Judge