

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet,

CRA No. 1935 of 2023

Ganesh Jaiswal S/o Bahadur Jaiswal, Aged About 41 Years, R/o Village - Hanspur, P.S. - Manendragarh, District Koriya, Present District - M.C.B. , Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh , Through - Police Station Ajak, Baikunthpur, District - Koriya, Chhattisgarh.

---- Respondent

10.11.2023	Shri Arham Siddiqui, counsel for the appellant. Shri Shreshtha Gupta, P.L. for the State. Complainant is present through the DLSA, Korea and raised objection. Heard on I.A.No.,01/2023, which is an application filed under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to the appellant. By virtue of judgment of conviction and order of sentence dated 15.09.2023 passed by the Special Judge under SC/ST (Prevention of Atrocities) Act, Baikunthpur, Dist. Korea, passed in Special Criminal Case No. 04/2020, the appellant has been convicted under Section 294, 324 IPC and Sections 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Act of 1989) and sentenced to undergo RI for 5 days with fine of Rs.200/- under Section 294 IPC, to undergo RI for 6 months with fine of Rs.1,000/-, 500/- & 500/- under Sections 324 IPC & Sections 3(1)(r) and 3(1)(s) of the Act of 1989 and in default to pay fine amount, he shall undergo further RI for 2 days, 15 days, 10 days respectively under each count. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the crime in question. He further submits that only short period of sentence has been awarded to the appellant. He also submits that he has incarcerated jail sentence for a period of 93 days out of

total jail sentence and after conviction he has been granted bail and he never misused the liberty granted to him. He further submits that the appellant has no criminal antecedents. He further submits that there is no likelihood of the appeal coming up for final hearing in the near future, hence, it is prayed that the application be allowed and the appellant may be released on bail.

Learned counsel for the State opposes the bail application and submitted that the Court below, upon due and proper appreciation of evidence led before it, has rightly convicted and sentenced the appellant, which does not call for any interference.

Considering the facts and circumstances of the case and looking to short period of sentence awarded to the appellant and that has been on bail after conviction and he never misused the liberty granted to him and that disposal of appeal may take some time, I am inclined to suspend the sentence of the appellant and release him on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on 10.01.2024 and thereafter, he shall appear before the concerned trial Court on a date to be given by the Registry. He shall thereafter continue to appear before the concerned trial Court on all such subsequent dates as are given to him by the said Court till disposal of this appeal.

In view of above, I.A.No.01/2023 stands disposed of. List the matter for final hearing in its due course.

C.c. as per rules.

Sd/-

(Radhakishan Agrawal)
Judge