

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet
CRA No. 1790 of 2022

- Tarun Singh S/o Narayan Singh Aged About 30 Years R/o Jokari, Police Station Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh ---- **Appellant**
- Versus**
- State of Chhattisgarh Through Police Station Kunkuri, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh ---- **Respondent**

3-12-2022	Mr. Hemant Gupta, counsel for the appellant. Ms. Abhyunnati Singh, PL for the State. Heard on I.A.No.1 of 2022 which is an application for suspension of sentence and grant of bail. By the impugned judgment dated 4-11-2022 passed by the learned Special Judge under Scheduled Castes and Scheduled Tribes (Atrocities) Act, 1989, Jashpur, District Jashpur in Special Criminal Case under SCST Act No.29 of 2020, the appellant has been convicted and sentenced for the offence as under. <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 294 of IPC</td><td>Fine of Rs. 1000/-.</td></tr><tr><td>Under Section 447 of IPC</td><td>RI for three months.</td></tr><tr><td>Under Section 3(1(r)of SC/ST Act</td><td>RI for six months and fine of Rs.500/-.</td></tr><tr><td>Under sEction 3(i)(s) of SC/ST Act.</td><td>RI for six months and fine of Rs.500/-</td></tr><tr><td></td><td>In default of payment of fine amount on three counts, additional RI for 3, 1 and 1 months respectively.</td></tr><tr><td></td><td>All the sentences are directed to run concurrently.</td></tr></table> In pursuance of the direction passed by this court earlier, victim/prosecutrix has appeared through Video Conferencing and has raised objection for grant of bail to the appellant. Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in connection with the said crime. He would further submit that the learned trial court without appreciating evidence has held that the appellant has	Conviction	Sentence	Under Section 294 of IPC	Fine of Rs. 1000/-.	Under Section 447 of IPC	RI for three months.	Under Section 3(1(r)of SC/ST Act	RI for six months and fine of Rs.500/-.	Under sEction 3(i)(s) of SC/ST Act.	RI for six months and fine of Rs.500/-		In default of payment of fine amount on three counts, additional RI for 3, 1 and 1 months respectively.		All the sentences are directed to run concurrently.
Conviction	Sentence														
Under Section 294 of IPC	Fine of Rs. 1000/-.														
Under Section 447 of IPC	RI for three months.														
Under Section 3(1(r)of SC/ST Act	RI for six months and fine of Rs.500/-.														
Under sEction 3(i)(s) of SC/ST Act.	RI for six months and fine of Rs.500/-														
	In default of payment of fine amount on three counts, additional RI for 3, 1 and 1 months respectively.														
	All the sentences are directed to run concurrently.														

committed the aforesaid offence. He further submits that the maximum sentence awarded to the appellant is RI for six months, the appellant was on bail during trial for eight days and he did not misuse the liberty granted to him, the appeal is of year 2022 and hearing of appeal on merits will take some time, therefore, the appellant may be released on bail.

On the other hand, learned State counsel opposes the bail application.

I have heard learned counsel for the parties and perused the record.

Looking to the short sentence of six months awarded to the appellant and considering the fact that he was on bail during trial and he did not misuse the liberty granted to him earlier, the appeal is of year 2022 and also the fact that hearing of appeal will take some time, I am inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, I.A.No. 1 of 2022 is allowed and it is directed that the execution of further substantive jail sentence shall remain suspended and the appellant shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 10-1-2023. 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 appeal.

Call for the record of the court below.

List this case for final hearing in its chronological order.

Cc as per rules.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju