



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1746 of 2025

1. Nanka @ Kamlesh Chouhan S/o Late Hariram Chouhan Aged About 44 Years R/o Bandimal, Thana Pussour, District Raigarh Chhattisgarh Present Address E/13, Subhash Block Korba, Chowki Manikpur, Thana Kotwali, Korba, District Korba Chhattisgarh
2. Bittu @ Gunda Swami Chouhan S/o Nanka Chouhan Aged About 25 Years R/o Bandimal, Thana Pussour, District Raigarh Chhattisgarh Present Address E/13, Subhash Block Korba, Chowki Manikpur, Thana Kotwali, Korba, District Korba Chhattisgarh

... Appellants

versus

- State Of Chhattisgarh through Police Chowki Manikpur, Thana Kotwali Korba, District Korba Chhattisgarh

... Respondent(s)

Order on Board

28/08/2025	Mr. Vikas Pandey, Advocate for appellants. Mr. Karan Kumar Bahrani, Panel Lawyer for the State. Heard on I.A. No.01/2025, which is an application for suspension of sentence and grant of bail. This Criminal Appeal is filed against the judgment of conviction and sentence dated 01.08.2025, passed in Sessions Trial Case No. 91/2021, by Learned 2nd Additional Sessions Judge, Korba, C.G. whereby appellants have been convicted and
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sentenced in the following manner:-

Conviction	Sentence
U/s 307 read with Section 34 of IPC	R.I. for 3 years and fine of Rs. 3000/-; in default of payment of fine, additional R.I. for 5 months.

Learned counsel for appellants submits that the maximum jail sentence awarded to appellants is of 03 years. It is contended that appellants were granted benefit of Section 430(3) of the BNSS and released on bail enabling them to file appeal and obtain order of suspension of sentence and grant of bail. Bail is granted to appellants till 29.08.2025. Appellants are *prima facie* having a good case in their favour and therefore application be allowed and substantive jail sentence be suspended.

Learned State counsel opposes the submission of learned counsel for appellants and submits that in view of the nature of offence, and findings recorded by trial court, appellants are not entitle for grant of bail.

Considering the submissions made by learned counsel for appellants as also period of sentence and further that the appellants have been extended benefits of provisions under Section 430(3) of BNSS by the trial Court, I am inclined to allow I.A. 01/2025.

Accordingly, I.A. No. 01/2025 is allowed and It is directed that substantive jail sentence of appellants shall remain suspended

during the pendency of this appeal and they be released on bail upon each of them furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of concerned Court below, for their appearance before the Registry of this Court on **28.10.2025**. Thereafter, they shall appear before the trial Court on the date to be given by the Registry of this Court and will continue to appear there on all such dates before trial Court till disposal of this appeal.

In the meanwhile, call for the record from learned trial court and list this case for final hearing in due course.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE