

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1894 of 2022

1. Ajay Ray S/o Shri Ashok Ray Aged About 25 Years R/o Village - Pv- 55, Pump No. 02, Near Sai Mandir Pankhanjur, Thana - Pankhanjur, District - North Baster Kanker (C.G.)
2. Ashok Ray S/o Late Shri Pradeep Ray Aged About 53 Years R/o Village - Pv- 55, Pump No. 02, Near Sai Mandir Pankhanjur, Thana - Pankhanjur, District - North Baster Kanker (C.G.) ---Appellants

Versus

- State Of Chhattisgarh Through The District - Magistrate, Kanker, District - North Baster Kanker (C.G.)

---- Respondent

10-01-2023	Mr. Amit Patel, 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. The appellants stand convicted by the Judgment of conviction and order of sentence dated 10-8-2022 passed by the learned Special Judge (Atrocities) Kanker, Dist. North Bastar Kanker in Special Criminal Case No. 66 of 2021 for the offence punishable under Section 294 of IPC abd 323 /34 of IPC sentenced to undergo SI for fifteen days and SI for one month with default stipulations. Both the sentences are directed to run concurrently. In pursuance of the notice issued to the victim, he has appeared before this court and raised no objection for grant of bail. Learned counsel for the appellant would submit that the appellants are innocent and have 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 appellants have committed the aforesaid offence. He further submits that the maximum sentence awarded to the appellants is SI for one month, the appeal is of 2022, the appellants were on bail during trial and they did not misuse the liberty granted to them 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 one month awarded to the appellant and considering the fact that they were on bail during trial and did not misuse the liberty granted to them earlier 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 appellants shall be released on bail on each of them executing a personal bond in a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for their appearance before the trial Court on 8-2-2023 and thereafter they shall continue to appear there on all such subsequent dates as are given to them by the said Court till the disposal of this appeal.

List this case for final hearing in its chronological order.

Cc as per rules.

Sd/-

(Narendra Kumar Vyas)
Judge

Raju