



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 31 of 2021

1. Gopal Agariya S/o Babulal Agariya, Aged About 38 Years, R/o Village Korja, Rajhatola, P.S. Gourela, District Gourela- Pendra- Marwahi (C.G.).

----Appellant
(On Bail)

Versus

2. State Of Chhattisgarh, Through Station House Officer, Police Station Pendra District Gourela- Pendra- Marwahi (C.G.).

---- Respondent

24/11/2021	<p>Mr. Dashrath Prajapati, Advocate appears on behalf of Mr. Ashok Soni, Counsel for the appellant.</p> <p>Mr. Shrestha Gupta, P.L. for the State/respondent.</p> <p>Heard on I.A. No. 01/2021, application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 26/12/2020 passed by Special Upper Sessions Judge, Pendraroad, District Bilaspur (now Gourela- Pendra- Marwahi) (CG.) in Special S.T. No. 05/2020, the appellant stands convicted and sentenced as under:</p> <table border="1"><thead><tr><th>Conviction</th><th>Sentence</th></tr></thead><tbody><tr><td>Under Section 354(ए) of Indian Penal Code.</td><td>R.I. for 6 months and fine of Rs. 5,000/-, in default of payment of fine additional R.I. for 1 month.</td></tr></tbody></table>	Conviction	Sentence	Under Section 354(ए) of Indian Penal Code.	R.I. for 6 months and fine of Rs. 5,000/-, in default of payment of fine additional R.I. for 1 month.
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Counsel for the appellant submits that the impugned judgment is per se illegal and bad in law. There are major contradictions and omissions in the statements of the prosecutrix and other witnesses. The appellant was on bail during trial and did not misuse the liberty so granted. He has already despoiled entire fine amount. Even after pronouncement of the impugned judgment he has been granted bail for a limited period. The disposal of the appeal is likely to take some time, therefore, the appellant be released on bail.

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

Heard learned counsel for the parties.

Considering the facts and circumstances of the case, the fact that maximum jail sentence awarded to the appellant is 06 months, he was on bail during trial and did not misuse the liberty granted to him, the disposal of the appeal is likely to take some time, without expressing anything on 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. 01/2021**) 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. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the trial Court for his appearance before the Registry of this Court **21th February, 2022**. 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 disposal of this appeal.



List this case for final hearing in its due course.

**-Sd/-
(Gautam Chourdiya)
Judge**

