



**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 225 of 2023**

Ramayan Das Mahant S/o Late Shri Samar Das Mahant Aged About 41 Years R/o Agarkhar Khatal Mohalla Jamnipali Darri Police Station Darri, District : Korba, Chhattisgarh

**---- Appellant**

**Versus**

State of Chhattisgarh Through Police Station AJAK, District Korba, Chhattisgarh

**---- Respondent**

| <b>30/01/2023</b> | <p>Mr. Anshul Tiwari, Advocate for the appellant.</p> <p>Mr. B.L. Sahu, PL for the State.</p> <p>Heard.</p> <p>Admit.</p> <p>Call for the record of the Court below.</p> <p>Also heard on application (I.A. No. 01/2023) for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned Judgment dated 13.01.2023 passed by learned Special Judge Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989, Korba District Korba (CG) in Special Criminal Case No. 44 of 2020, the appellant stand convicted and sentenced as under:</p> <table border="1"><thead><tr><th>Conviction</th><th>Sentence</th></tr></thead><tbody><tr><td>U/s. 323 IPC</td><td>RI for 1 month with fine of Rs. 200 in default of payment of fine additional RI for 7 days.</td></tr><tr><td>U/s. 456 IPC</td><td>RI for 6 months with fine of Rs. 1000/- in default of payment of fine additional RI for 1 month.</td></tr></tbody></table> | Conviction | Sentence | U/s. 323 IPC | RI for 1 month with fine of Rs. 200 in default of payment of fine additional RI for 7 days. | U/s. 456 IPC | RI for 6 months with fine of Rs. 1000/- in default of payment of fine additional RI for 1 month. |
|-------------------|--|------------|----------|--------------|---|--------------|--|
| Conviction        | Sentence   |            |          |              |   |              |  |
| U/s. 323 IPC      | RI for 1 month with fine of Rs. 200 in default of payment of fine additional RI for 7 days.  |            |          |              |   |              |  |
| U/s. 456 IPC      | RI for 6 months with fine of Rs. 1000/- in default of payment of fine additional RI for 1 month.   |            |          |              |   |              |  |



Learned counsel for the appellant submit that the appellant was on bail during trial and after conviction, the appellant has been granted interim bail by the trial Court and he did not misuse the liberty granted to him, therefore, application filed under Section 389 for suspension of sentence and grant of bail may be considered.

On the other hand, learned State Counsel opposes application filed under Section 389(2) CrPC for suspension of sentence and grant of bail.

I have heard learned counsel for the parties.

Considering the facts and circumstances of the case, particularly considering the short sentence awarded to the appellant, fine amount has already been deposited by him and final hearing of this appeal is likely to take considerable time, hence, I feel inclined to allow I.A. No.01/2023.

Accordingly, the application is allowed.

It is directed that the 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 for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **15.03.2023**. He shall thereafter continue to appear before the trial Court on all such subsequent dates as are given to him by the trial Court till the disposal of this appeal.

Sd/-

**(Narendra Kumar Vyas)**

Judge