



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 327 of 2022

1 - Chandrakant Nishad @ Babu S/o Laxmi Prasad Nishad Aged About 21 Years
R/o Indira Nagar Ward No. 08, Raigarh, District Raigarh Chhattisgarh.

2 - Pareshwar Sarthi @ Kunal S/o Sameer Sarthi, Aged About 22 Years
R/o Jogideepa Ward No. 11, Raigarh District Raigarh Chhattisgarh.

---- Appellants

Versus

State Of Chhattisgarh through Station House Officer, Police Station Kotwali,
Raigarh, District Raigarh Chhattisgarh.

---- Respondent

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| 11.03.2024 | <p>Mr. Hari Agrawal, learned counsel for the appellants.</p> <p>Mr. Shakil Ahmad, learned Penal Lawyer for the State/Respondent.</p> <p>Learned counsel for the appellants would submit that vide order dated 06.07.2023, application for suspension of sentence and grant of bail submitted by the appellant No. 1 (Chandrakant Nishad @ Babu) and appellant No. 2 (Pareshwar Sarthi @ Kunal) were allowed by this Court and it was directed that the appellants shall be released on bail on each of them executing their personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial court.</p> <p>Learned counsel for the appellants made oral prayer that the appellant No. 2 (Pareshwar Sarthi @ Kunal) is very poor person and his family members are also not in a position to arrange the surety as directed by this court, therefore, he is still in jail.</p> <p>Learned counsel for the appellants would submits that order dated 06.07.2023 be modified and the appellant No. 2 (Pareshwar Sarthi @ Kunal) be released on bail on executing a personal bond only in the light of decision of the Supreme Court in the matter of Moti Ram and others vs. State of Madhya</p> |
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Pradesh, reported in (1978) 4 SCC 47 and Hussainara Khatoon and vs. Home Secretary, State of Bihar, reported in(1980) 1 SCC 81, which is not opposed by the learned State counsel.

We have heard learned counsel for both the parties.

Considering this aspect of the matter and the fact that the appellant No.2 (Pareshwar Sarthi @ Kunal) is unable to furnish one surety as per order 06.07.2023 passed by the this Court, we are inclined to allow the appellant No.2 (Pareshwar Sarthi @ Kunal) to furnish personal bond of Rs.25,000/-. Accordingly, the order dated 06.07.2023 is modified to the extent indicated herein above.

Now, the appellant No. 2 (Pareshwar Sarthi @ Kunal) is directed to be released on bail on furnishing a personal bond of Rs.25,000/- only to the satisfaction of the trial Court for his appearance before the Registry of this court on **2nd April, 2024**. 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.

A copy of this order be communicated to the jail authorities.

List this case for final hearing in due course.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice