HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No.259 of 2021

1. Somveer, S/o Sunil Jaat aged about 21 years, R/o Guggahedi, Police Station Lakhanmanjara, District Rohtak Hariyana, Present R/o Village Jhajhadih, Police Station Dadhi, District Bemetara Chhattisgarh
2. Anil, S/o Om Prakash Jaat, aged about 40 years, R/o Guggahedi, Police Station Lakhanmanjara, District Rohtak Hariyana, Present R/o Village Jhajhadih, Police Station Dadhi, District Bemetara Chhattisgarh

---- Petitioners

Versus

State Of Chhattisgarh Through Police Station Dadhi, District Bemetara Chhattisgarh

---- Respondent

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17/11/2022	Mr. Vaibhav A.Goverdhan, Counsel for the Appellants. Mr. Avinash K.Mishra, Govt.Advocate for the Respondent/State. Heard on IA No. 01/2022, second bail application for suspension of sentence and grant of bail to Appellant No.2. First bail application of Appellant No.2 was dismissed as withdrawn vide order dated 03.08.2021. By the impugned judgment dated 16/02/2021, passed by learned Sessions Judge, Bemetara (C.G.), in Session Case No. 04/2019, Appellant No.2 stands convicted as mentioned below:

Conviction	Sentence	In Default
U/s 307 read with Section 34 of the Indian Penal Code.	Rigorous imprisonment for 5 years with a fine of Rs.25,000/-	In default of payment of find amount, additional rigorous improsonment for 1 year.

Learned counsel appearing for Appellant No.2 submits that Appellant No.2 is falsely implicated in the present case without there being any clinching and sufficient evidence available on record. He further submits that only two injuries were found on vital part of the victim out of which, allegedly one was caused by Appellant No.2. If the entire case of prosecution taken as it is, offence committed by Appellant No.2 only falls within the ambit of Sections 325 & 326 of the IPC. Appellant No.2 is in custody since 16.02.2021 and completed about 1 year 9 months in jail. Appellant No.1 has already granted bail on 03.08.2021 by this Court. The Counsel lastly submits that the appeal is likely to take some time to be finalized, therefore, looking to the jail sentence awarded to Appellant No.2 as well as other grounds mentioned above, it is prayed that he may be released on bail.

On the other hand State counsel opposes the bail application of Appellant No. 2.

I have heard learned counsel appearing for the parties and perused the material available on record.

Considering the evidence available on record, the detention period of Appellant No.2 and the fact that Appellant

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No.1 was already released on bail on 03.08.2021, without further commenting on other merits of the case, I am inclined to release Appellant No.2 also on bail.

Accordingly, the bail application with regard to Appellant No.2 namely Anil is allowed.

It is directed that the substantive jail sentence imposed upon Appellant No.2 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. 20,000/- with one surety in the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **13.02.2023**. 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 due course.

Sd/-

(Arvind Singh Chandel)
Judge

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Shubham