



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 506 of 2023

- Sitaram Yadav, S/o Late Bhagirathi Yadav, Aged about 49 Years, R/o Thaggaon, Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer of Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Respondent

18/04/2023	<p>Mr. Amit Kumar Sharma, counsel for the appellant.</p> <p>Mr. Ajay Kumrani, P.L. for the State/respondent.</p> <p>On perusal of the order sheet dated 10.04.2023 passed by this Court, it appears that on that day the complainant/victim of this case appeared from the DLSA-Chirmiri through video conferencing and his submission has already been recorded.</p> <p>Today also, the complainant appeared from DLSA-Chirmiri through video conferencing. On being asked about suspension of sentence and grant of bail to the appellant, he raised objection on the same. His submission is recorded.</p> <p>Heard I.A. No. 01/2023, application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 20.01.2023 passed in Special Criminal Case No.55/2019 by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Baikunthpur, District Koriya (C.G.) the appellant stands convicted as mentioned below:</p>
------------	--



Conviction	Sentence	In Default
U/S 294 of the IPC	RI for 01 month with a fine amount of Rs. 300/-	In default of payment of fine amount additional SI for 08 days.
U/S 325 of the IPC	RI for 03 years with a fine amount of Rs. 300/-	In default of payment of fine amount additional SI for 08 days.
U/S 3(1)(r) of the SC ST Act (Prevention of Atrocities) Act, 1989	RI for 06 months with a fine amount of Rs. 300/-	In default of payment of fine amount additional SI for 08 days.
U/S 3(1)(s) of the SC ST Act (Prevention of Atrocities) Act, 1989	RI for 06 years with a fine amount of Rs. 300/-	In default of payment of fine amount additional SI for 08 days.

Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial Court in the judgment without there being any sufficient evidence available on record. He further submits that the appellant was on bail during trial and after the judgment of the trial Court he was granted temporary bail. Hence, it is prayed that his application be allowed.

On the other hand, learned counsel for the State has opposed the bail application and submissions made in this



respect.

Heard both the parties and perused the record of the trial Court.

After perusing the impugned judgment and considering this fact that the appellant was on bail during the pendency of trial and has not misused the liberty, for these reasons, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

Execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 12.09.2023. 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 the disposal of this appeal.

List this case for final hearing in its due course.

Sd/-

(Arvind Singh Chandel)
Judge