



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 656 of 2023

1. Santram @ Santuram Sahu S/o Late Nirbhay Sahu Aged About 62 Years R/o Village Salhekala, Police Station Chuikhadan, District Khairagarh Chuikhadan Gandai Chhattisgarh
2. Rupesh Sahu S/o Santram @ Santuram Aged About 31 Years Presently Residing At Ghasidas Nagar, Ward No. 27, Near Karma Mandir, Jamul, Bhilai, District Durg Chhattisgarh Permanent Resident Of Village Salhekala, Police Station Chuikhadan, District Khairagarh Chuikhadan Gandai Chhattisgarh

----Appellants

Versus

State Of Chhattisgarh Through-Station In-Charge, Police Station Chuikhadan, District Khairagarh Chuikhadan Gandai Chhattisgarh.

---- Respondent

| 11/05/2023 | <p>Shri Anmol Sharma, counsel for the appellants. Shri D.C. Verma, G.A. for the State/respondent.</p> <p>Heard on <u>I.A.No. 1/2023</u>, application for suspension of sentence and grant of bail to the appellants.</p> <p>By the impugned judgment dated 22/02/2023 passed by Additional Sessions Judge, Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.) in S.T. No.10/2019, the appellants stand convicted and sentenced as under:-</p> <table border="1"><thead><tr><th>Conviction</th><th>Sentence</th></tr></thead><tbody><tr><td>Under Section 450, 506 Part 2, 307 and 34 of IPC</td><td>U/s 450 of IPC R.I. for 7 years and fine amount of Rs. 5,000/-, in default of payment of fine additional S.I. for one month.</td></tr><tr><td></td><td>U/s 506 Part 2 of IPC R.I. for 2 Years and fine amount of Rs. 1000/-, in default of payment of fine additional S.I. for seven days.</td></tr><tr><td></td><td>U/s 307 and 34 of IPC R.I. for 7 years and fine amount of Rs. 10,000/-, in default of payment of fine additional S.I. for two months. (All the sentences to run concurrently)</td></tr></tbody></table> | Conviction | Sentence | Under Section 450, 506 Part 2, 307 and 34 of IPC | U/s 450 of IPC R.I. for 7 years and fine amount of Rs. 5,000/-, in default of payment of fine additional S.I. for one month. | | U/s 506 Part 2 of IPC R.I. for 2 Years and fine amount of Rs. 1000/-, in default of payment of fine additional S.I. for seven days. | | U/s 307 and 34 of IPC R.I. for 7 years and fine amount of Rs. 10,000/-, in default of payment of fine additional S.I. for two months. (All the sentences to run concurrently) |
|--|---|------------|----------|--|--|--|---|--|--|
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Learned counsel for the appellants submits that they have falsely implicated in this case, appellants are father and son and complainant is brother of appellant No. 1, there is some dispute between the complainant regarding partition of the rin pustika but revenue record was not correct as per partition, therefore some assault between the appellants and complainant, the injuries are simple in nature. He further submits that during trial appellant was on bail, appeal will take more time, therefore, they may be enlarged on bail.

Learned State counsel opposes the bail application.

Heard learned counsel for the parties and perused the record of the trial court.

After perusing the impugned judgment, taking into consideration appellants have not misused the liberty granted during trial while granting bail, appellants have served the sentence about 9 months and more than 1 year respectively, the injuries are simple in nature, I am of the considered opinion that it will be proper to release the appellants on bail during the pendency of this appeal.

Execution of the substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them executing a personal bond of Rs.10,000/- with one solvent surety to the satisfaction of the trial Court for his appearance before the Registry of this Court on **25/08/2023**. They 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 them by the said Court, till the disposal of this appeal.

List this case for final hearing in due course.

Sd/-
(Radhakishan Agrawal)
Judge