HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1231 of 2023

- Chintu @ Chimatoo Sahu S/o Munna Ram Sahu, aged about 32 years R/o Village Surajpara, Police Station: Sahaspur Lohara, District Kabirdham (C.G.)

---- Appellant

Versus

- State of Chhattisgarh through Station House Officer, Police Station: Kawardha, District Kabirdham (C.G.)

---- Respondent

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High Court of Chhattisgarh
Bilaspur

21.06.2023

Mr. Sudhir Kumar Shrivastava, Advocate on behalf of Mr. Dharmesh Shrivastava, Counsel for the appellant.

Mr. Sanjay Pathak, P.L. for the State/Respondent.

Heard on admission.

Admit.

Call for the record of the Court below.

Also heard I.A. No. 1 of 2023, an application for suspension of sentence and grant of bail to the appellant.

By the impugned judgment date 06.06.2023 passed in Sessions Case No. 33 of 2018 by the learned Additional Sessions Judge, Kawardha, District: Kabirdham (C.G.) the appellant stands convicted as mentioned below:

Conviction	Sentence	In Default
U/s 325 of IPC	RI for 2 years with a fine amount of Rs.2,000/-	In default of payment of fine amount additional RI for 4 months.

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 submits that appellant was on bail during trial, he has remained in jail for about 3 months and presently he is in jail since 06.06.2023. 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 trial and he has not misused the liberty granted to him, 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 **24.08.2023.** 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 due course.

Sd/-

(**Radhakishan Agrawal**)
Judge

Saurabh

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