



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1034 of 2021

Banshi Poyam **Versus** State of Chhattisgarh

SB

Hon'ble Shri Justice Sanjay K. Agrawal

21.09.2022	Mr. P.K. Tulsian, counsel for the appellant. Mr. Afroz Khan, P.L. for the State. Heard on I.A. No. 1, application for suspension of sentence and grant of bail. Vide impugned judgment dated 10/09/2021 passed by learned Upper Sessions Judge Kondagaon in Sessions Trial No. 54/2019, the appellant has been convicted and sentenced as under :- <table><tr><th><u>Conviction</u></th><th><u>Sentence</u></th></tr><tr><td>U/s 307 of IPC</td><td>R.I. for 7 years with fine of Rs. 10,000/- in default to pay fine further R.I. for 6 months.</td></tr><tr><td>U/s 452 of IPC</td><td>R.I. for 3 years with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.</td></tr><tr><td>U/s 506-B of IPC</td><td>R.I. for 1 year with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.</td></tr></table> All the sentences are to run concurrently.		<u>Conviction</u>	<u>Sentence</u>	U/s 307 of IPC	R.I. for 7 years with fine of Rs. 10,000/- in default to pay fine further R.I. for 6 months.	U/s 452 of IPC	R.I. for 3 years with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.	U/s 506-B of IPC	R.I. for 1 year with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.
<u>Conviction</u>	<u>Sentence</u>									
U/s 307 of IPC	R.I. for 7 years with fine of Rs. 10,000/- in default to pay fine further R.I. for 6 months.									
U/s 452 of IPC	R.I. for 3 years with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.									
U/s 506-B of IPC	R.I. for 1 year with fine of Rs. 1000/- in default to pay fine further R.I. for 2 months.									



Learned counsel for the appellant would submit that the appellant has been sentenced to undergo rigorous imprisonment as aforesaid out of which he has already undergone more than 2 years and 10 months and since the final disposal of the appeal is likely to take some time, the appellant be released on bail in view of the decision rendered by the Supreme Court in the matter of **Salim Javed v. State of Rajasthan**¹.

On the other hand, learned State counsel would oppose.

After hearing learned counsel for the parties and after taking into consideration the facts and circumstances of the case, the nature and gravity of the offence and role of the present appellant and further considering that the appellant has undergone a period of more than 2 years 10 months out of his total jail sentence and the disposal of the appeal is likely to take some time, in light of the decision rendered by the Supreme Court in **Salim Javed** (supra), I deem it appropriate to release the appellant on bail on his furnishing personal bond in the sum of **Rs. 25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Accordingly, I.A. No. 1 is allowed.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge

Harneet