



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1110 of 2021

1. Shani Sande S/o Vedram Sande, Aged About 29 Years, Occupation Farmer, R/o Village Dongri, P.S. Baloda, District Janjgir-Champa (C.G.).

----Appellant
(In Jail)

Versus

2. State Of Chhattisgarh, Through P.S. Akaltara, District Janjgir-Champa (C.G.).

---- Respondent

26/04/2022	Mr. Sabyasachi Bhaduri, Counsel for the appellant. Ms. Usha Chandrakar, P.L. for the State/respondent. Heard. The appeal is admitted for hearing. Also heard on <u>I.A. No. 01/2021</u>, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 19/07/2021 passed by Upper Sessions Judge (F.T.C.) Janjgir, District Janjgir-Champa (CG.) in Session Case No. 08/2020, the appellant stands convicted and sentenced as under: <table data-bbox="343 1765 1439 1968"><tr><th data-bbox="343 1765 807 1827">Conviction</th><th data-bbox="807 1765 1439 1827">Sentence</th></tr><tr><td data-bbox="343 1827 807 1968">Under Section 376 of Indian Penal Code.</td><td data-bbox="807 1827 1439 1968">R.I. for 10 years and fine of Rs. 5,000/-, in default of payment of fine additional S.I. for 100 days.</td></tr></table>	Conviction	Sentence	Under Section 376 of Indian Penal Code.	R.I. for 10 years and fine of Rs. 5,000/-, in default of payment of fine additional S.I. for 100 days.
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Under Section 376 of Indian Penal Code.	R.I. for 10 years and fine of Rs. 5,000/-, in default of payment of fine additional S.I. for 100 days.				



Under Section 506 Part II of Indian Penal Code.

R.I. for 03 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 10 days.

(Both the sentences were directed to run concurrently)

Considering the facts and circumstances of the case, para 11 of deposition of the prosecutrix PW-02, in particular the affidavit sworn by the prosecutrix before Notary, the age of the appellant i.e. 29 years, he is in jail for about 2 years and 6 months, the fact that disposal of the appeal is likely to take some time, without expressing anything on merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (**I.A. No. 01/2021**) is **allowed**.

It is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal **bond** in the sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the trial Court for his appearance before the Registry of this Court **25th July, 2022**. 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 its due course.

-Sd/-
(Gautam Chourdiya)
Judge