

**HIGH COURT OF CHHATTISGARH, BILASPUR****Order Sheet****CRA No. 1316 of 2021**

- Birbal Ram Rajwade, S/o Late Shri Devnandan Rajwade, Aged About 50 Years, R/o Village- Kailaspur, P.S. Jainagar, District- Surajpur Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh, Through- Station House Officer, P.S.- Jainagar, District- Surajpur, Chhattisgarh.

---- Respondent

08.11.2021	Shri Surfaraj Khan, counsel for the appellant. Shri Rahim Ubwani, Panel Lawyer for the State/respondent. Heard on admission. This appeal is admitted for hearing. Call for the record of the Court below. Also heard on I.A. No. 01/2021, application for suspension of sentence and grant of bail. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 05.10.2021 passed in Sessions Case No. 71/2018 by Third Additional Sessions Judge, Surajpur, District- Surajpur (C.G.) in the following manner:- <table data-bbox="403 1671 1431 1995"><tr><th data-bbox="403 1671 906 1731"><u>Conviction</u></th><th data-bbox="906 1671 1431 1731"><u>Sentences</u></th></tr><tr><td data-bbox="403 1731 906 1995">Under Section 325 of IPC</td><td data-bbox="906 1731 1431 1995">R.I. for 3 years and fine of Rs. 100/- in default of payment of fine amount 15 days additional S.I.</td></tr></table> Learned counsel for the appellant submits that there is no reliable evidence against the present appellant to involve him in this case, essential	<u>Conviction</u>	<u>Sentences</u>	Under Section 325 of IPC	R.I. for 3 years and fine of Rs. 100/- in default of payment of fine amount 15 days additional S.I.
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Under Section 325 of IPC	R.I. for 3 years and fine of Rs. 100/- in default of payment of fine amount 15 days additional S.I.				



ingredient of the offence for convicting the appellant is missing, the appellant was on bail during trial and he did not misuse the liberty granted to him, he has paid the fine amount imposed upon him and disposal of this appeal is likely to take some time, therefore, the appellant be released on bail.

On the other hand, learned counsel for the State opposes bail application.

Considering the facts & circumstances of the case, the short sentence has been imposed upon the appellant, he was on bail during trial and did not misuse the liberty granted to him, he has paid the fine amount imposed upon him and final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application 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. He shall appear before the Registry of this Court on **22nd February, 2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said Court till disposal of this appeal.

List the case for final hearing in due course.

Sd/-

(Gautam Chourdiya)

Judge