



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1658 of 2021

Avinash Kumar Rajput S/o Premnarayan Rajput, Aged About 25 Years R/o Samhuta, Post Udaypur, Police Station Sanjholi, District Rohtas (Bihar)

---- Appellant

Versus

State Of Chhattisgarh, Through Station House Office, Police Station - Chhwani, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

02/05/2022	Shri Ashish Gupta, counsel for the appellant. Ms. Deepti Shukla, P.L. for the State. Heard on I.A. No.1 of 2021, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 04/12/2021 passed by the Sessions Judge, Durg, District Durg (C.G.) in Sessions Case No.173/2019, the appellant stands convicted and sentenced as under :- <table><tr><td>Conviction</td><td></td><td>Sentences</td></tr><tr><td>Under Section 314 of I.P.C.</td><td></td><td>R.I. for 5 years and fine of Rs.10,000/-, in default of payment of fine amount further R.I. for 6 months additional</td></tr></table> Considering the facts and circumstances of the case, evidence of PW-7 Dr. Sanjeev Kumar Shukla and prior to death deceased was treated to another hospital,		Conviction		Sentences	Under Section 314 of I.P.C.		R.I. for 5 years and fine of Rs.10,000/-, in default of payment of fine amount further R.I. for 6 months additional
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the maximum sentence imposed upon the appellant is five years, the detention period of the appellant is about nine months, appellant who is 25 years old, the appellant was on bail during trial, he did not misuse the liberty so granted and disposal of this appeal is likely to take some time, without further commenting on merit, 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.1 of 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.

He shall appear before the Registry of this Court on **29st June, 2022** and thereafter shall appear before the trial Court on a date to be given by the Registry and shall continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

List this appeal for final hearing in due course.

Sd/-

(Gautam Chourdiya)

JUDGE