

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 917 of 2016

- Sanjay Kumar Pawar S/o Gyaniram Pawar Aged About 32 Years
R/O Bhanupratappur Police Station - Bhanupratappur, District
Kanker Civil & Revenue District Kanker Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through The Station House Officer Police
Station Doundi District Balod Chhattisgarh

---- Non-applicant

For Applicant : Shri Avinash Chand Sahu, Advocate
For Non-applicant/State : Shri Ashish Shukla, Govt Advocate

Hon'ble Shri Justice Anil Kumar Shukla

Order on Board

30.09.2016

- 1) Heard on admission.
- 2) The applicant has preferred this revision being aggrieved by the impugned order dated 21.06.2016 passed by the First Additional Sessions Judge, Balod, district- Balod (CG) in Criminal Appeal No.116 of 2015, whereby the application for suspension of sentence and grant of bail to the applicant has been rejected.
- 3) Learned counsel for the applicant would submit that on 19.02.2016 the applicant could not appear before the Court below due to illness and the fact of illness of the applicant has not been informed by his counsel. Thereafter, arrest warrant has been issued against the applicant and he was

arrested on 25.05.2016. Earlier also the applicant served jail sentence for four months and he served the total jail sentence near about 8 months. Non-appearance of the applicant on the said date is *bona fide* and he has no intention to dis-obey the order of the Court. Therefore, the impugned order dated 21.06.2016 be set aside and the applicant may be released on bail.

- 4) On the contrary, Shri Ashish Shukla, learned Government Advocate for the State supported the impugned order and submitted that this revision does not warrant any interference by this Court.
- 5) I have perused the order impugned.
- 6) On perusal of the documents, it appears that non-appearance of the applicant on 19-2-2016 is *bona fide*.
- 7) Taking into consideration the totality of the circumstances and the fact that non-appearance of the applicant on 19.02.2016 is bonafide and unintentional, this Court is inclined to suspend the substantive sentences imposed upon the applicant and admit him to bail during the pendency of appeal before the appellate Court.
- 8) Accordingly, the revision petition is allowed and it is directed that execution of substantive jail sentences imposed upon the applicant shall remain suspended during pendency of the appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.15,000/- with one surety in

the like sum to the satisfaction of the concerned Court below for his appearance before the said Court on **13th December, 2016** and thereafter, shall continue to appear on all such other subsequent dates as are given to him by that Court till final disposal of the appeal.

Certified copy as per rules.

Sd/-
(Anil Kumar Shukla)
JUDGE

padma