

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 884 of 2018**

Sheikh Saeed Raza, S/o Shri Sheikh Wali Ullah, aged about 33 years R/o Near Shiv Temple Moudhapara, Tahsil & District- Raipur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station-Dhamtari, District-Dhamtari (C.G.).

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/08/2018**

1. Heard on admission as well as on I.A. No. 01/2018, an application for suspension of sentence and grant of bail.
2. This revision has been preferred against the order dated 09/07/2018 passed by the Additional Sessions Judge (FTC), Dhamtari in Cr.A. No. 41/2018, whereby the application for suspension of sentence and grant of bail to the applicant during the pendency of the appeal has been rejected.
3. Vide the judgment dated 07/06/2018 passed by the Chief Judicial Magistrate, Dhamtari in Criminal Case No. 172 of 2013, the applicant was sentenced to undergo imprisonment for 1 year and fine of Rs. 200/-. Against the judgment of conviction and sentence dated

07/06/2018, an appeal, being Criminal Appeal No. 41 of 2018 has been preferred by the Applicant before the Court of Session at Dhamtari. In the said criminal appeal, an application was moved on behalf of the Applicant under Section 389 (1) of the Code of Criminal Procedure for suspension of sentence and grant of bail, which has been rejected vide the impugned order dated 09/07/2018. Hence this revision.

4. Learned counsel appearing on behalf of the applicant submits that during trial, the applicant was on bail and he did not misuse the liberty extended to him during trial. She further submits that during trial, the applicant has already suffered custody of 203 days, therefore, in these circumstances, the jail sentence imposed upon the applicant may be suspended and he may be extended the benefit of bail. It has been further submitted that another co-accused- Shekhar Kothari has also been enlarged on bail vide order dated 02/08/2018 passed in Criminal Revision No. 797/2018 by this Court, therefore, present application may also be allowed.
5. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the material available on record.
7. Having regard to the facts and circumstances of the case, particularly to the fact that the applicant was on bail during trial, he has already suffered custody of 203 days and the application filed under Section 389 (2) of Cr.P.C by the co-accused Shekhar Kothari in Criminal

Revision No. 797/2018 has been allowed vide order dated 02/08/2018 by this Court. Therefore, in my considered opinion, the present applicant is also entitled to the same.

8. Accordingly, it is directed that during pendency of Criminal Appeal No. 41 of 2018 before the Additional Sessions Judge (FTC), Dhamtari, the jail sentence imposed upon the Applicant shall remain suspended and he shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like sum to the satisfaction of the concerned trial Court for his appearance before the Trial Court as and when directed.
9. Consequently, I.A. No. 01/2018 and the revision are disposed of in the aforesaid terms.

Sd/-
(Arvind Singh Chandel)
Judge