

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1338 of 2019**

Jiwan Lal S/o Kriparam Aged About 32 Years R/o Village Maditarai At Present R/o Lamnin Bhata Police Station Dongargarh District Rajnandgaon Chhattisgarh. ---- **Petitioner**

Versus

State Of Chhattisgarh Through District Magistrate Rajnandgaon Chhattisgarh. ---- **Respondent**

For Petitioner:	Shri Abhishek Sharma, Advocate.
For State/Respondent:	Shri Sudeep Verma, Dy. G. A.

Single Bench: Hon'ble Shri Gauntam Chauradia, J

Order On Board

31.05.2019

1. Heard on admission.
2. Vide order dated 22.04.2019 passed by the Additional Chief Judicial Magistrate, Dongargarh (C.G.), in Criminal Case No.146/2018, the petitioner stands convicted under Sections 419, 420, 467, 468, 471, 120B read with Section 34 and 380 of the IPC and sentenced to undergo R.I. for three years and six months and to pay fine of Rs. 1400/-, with default stipulations against the said order, the petitioner preferred appeal i.e. Criminal Appeal Case No.09/2019 with an application under Section 389 of Cr.P.C. for grant of bail before the Additional Sessions Judge, Dongargarh. However, by the impugned order dated 02.05.2019, the bail application has been rejected. Hence this petition.
3. Admit.
4. Issue notice to the State/Respondent. Shri Sudeep Verma, learned counsel for the State, accepts notice.

5. Learned counsel for the Petitioner submits that the Petitioner is in custody since 09.12.2017 and the sentence of imprisonment imposed upon him is three years and he has already completed more than half of the sentence.

6. Learned state counsel would oppose the petition.

7. Taking into consideration the fact that maximum sentence awarded to the petitioner is three years and he is in jail for more than 1 year 5 months being short term sentence and considering the decision of the Supreme court in the matter of **Bhim Singh Vs. Union of India and others** subsequently followed in the matter of **Hussain and others Vs. Union of India (UOI) and others**, it would be expedient to set aside the impugned order and release the petitioner on bail during the pendency of appeal.

8. It is directed that the substantive jail sentence imposed upon the petitioner herein shall remain suspended during the pendency of the appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the appellate Court for his appearance before the said Court on 17.09.2019 and thereafter on all such other subsequent dates as are given to him by the said Court, till the disposal of the appeal.

9. It is made clear that fine sentence is not being suspended. This Court has not expressed any opinion on the merits of the matter.

10. The petition is allowed to the extent indicated herein-above.

11. C.c. today.

Sd/-

(Gautam Chourdiya)
Vacation Judge