

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 285 of 2016

1. Bharat Singh Kanwar @ Pappu S/o Late Chaitram Kanwar, Aged About 20 Years, R/o Bango Basti, P.S. Bango, District Korba Chhattisgarh
2. Suryakant Sonwani @ Surya S/o Mangaluram Sonwani, Aged About 22 Years, R/o Bango Basti, P.S. Bango, District Korba Chhattisgarh

---- Appellants

Versus

State Of Chhattisgarh Through Police Station - Bankimongra, District - Korba
Chhattisgarh , Chhattisgarh

---- Respondent

15.01.2019	Shri Vikash Pandey, counsel for the appellants. Ms. Sunita Jain, Govt. Advocate, for the State. Heard on I.A. No. 01/19 for suspension of sentence and grant of bail. The appellants have been convicted for the offence punishable under Sections 450 & 395 r/w Section 397 of IPC and sentenced to undergo RI for 8 years with fine of Rs.2,000/- on each count with default stipulations vide order dated 22.01.2016 passed by the Additional Sessions Judge, Katghora, District Korba (CG) in Sessions Trial No. 45 of 2015. Counsel for the appellants submits that the maximum sentence imposed upon the appellants is 8 years and the appellants have already undergone more than half of the jail sentence awarded by the Court. He further submits that the appeal is of the year 2016 and there is no likelihood of its early final disposal and prays for releasing the appellants

on bail.

Per contra, State counsel opposing the bail application submits that taking into consideration the nature of offence and the gravity of the same, the applicants do not deserve to be released on bail.

Considering the entire facts and circumstances of the case, particularly the fact that the appellants have already undergone more than half of the sentence awarded and that the appeal being of the year 2016 there is no likelihood of its early final disposal, this Court is of the opinion that a strong case for grant of bail to the appellants at this juncture is made out.

Accordingly, I.A. No.01/19 for suspension of sentence and grant of bail is allowed.

It is directed that the substantive jail sentence imposed upon the appellants shall remain suspended during the pendency of this appeal and they will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in like sum to the satisfaction of the concerned trial Court. The appellants are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the appeal.

Let this matter be listed for final hearing in due course.

**Sd/-
(P. Sam Koshy)
JUDGE**

Bhola