

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 902 of 2015

- Swarath Sahu s/o. Late Malik Ram Sahu, aged about 40 years, r/o. village Kodapuri, PS Hirri, Civil and Revenue District Bilaspur (C.G.).

Appellant

Versus

- State of Chhattisgarh, Through : Police Station Hirri, Civil & Revenue District Bilaspur (C.G.)

Respondent

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14-9-2015	Mr. Vaibhav A. Goverdhan, counsel for the appellant. Mr. Avinash Mishra, Panel Lawyer for the State. Heard on I.A.No. 2 of 2015 which is an application for suspension of sentence and grant of bail to the appellant. Present appellant stands convicted under Sections 302 and 201/34 of the IPC and sentenced to undergo imprisonment for life and to pay fine of Rs.100/-, in default of payment of fine to undergo additional RI for one year under Section 302 of the IPC and RI for seven years and to pay fine of Rs.100/-, in default of payment of fine, to undergo additional RI for one month under	

Section 201/34 of IPC, vide impugned judgment dated 5-3-2015 passed by 6th Additional Sessions Judge, Bilaspur in Sessions Trial No. 88 of 2014.

Learned counsel appearing for the appellant submits that the identification of the dead body itself is doubtful because Narayan Prasad Sahu (PW/10) and Sunil Sahu (PW/5), father and brother of the deceased, who had identified the dead body, have not supported the prosecution case in the Court. He further submits that once the prosecution has failed to prove that the dead body seized was of the deceased, it cannot be said that the accused/appellant has committed murder of Ranjita Sahu. He further submits that no other incriminating evidence is there against the accused/appellant.

On the other hand, State counsel opposed the bail application.

We have heard counsel for the parties and perused the impugned judgment including the record of the court below.

Considering the totality of the case, in particular, the nature of evidence adduced by the prosecution, without further commenting on merits, we are inclined to release the appellant on bail.

Accordingly, I.A.No.2 of 2015 is allowed and it is directed that execution of the jail sentence awarded to appellant Swarath Sahu by the trial Court shall remain suspended and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the trial Court. Appellant is exempted from giving personal appearance unless otherwise directed.

Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(I.S. Uboweja)
Judge