

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

Criminal Appeal No.68 of 2018

Damarudhar Bareth S/o Shri Holsai Bareth Aged About 29 Years R/o Village Linjir,
Police Station Pusour, District Raigarh Chhattisgarh

---- Appellant

Versus

State Of Chhattisgarh Through The Station House Officer Police Station Kotra
Road Raigarh, District Raigarh Chhattisgarh

---- Respondent

10.04.2018	Shri Rishi Rahul Soni, counsel for the Appellant. Shri Avinash K Mishra, Panel Lawyer for the State. Heard on I.A No.2/2018, an application for suspension of sentence and grant of bail. By the impugned judgment dated 10.9.2012 passed by the 1st Additional Sessions Judge, Raigarh, District Raigarh (CG) in Sessions Trial No.93/2009, the Accused/Appellant stands convicted under Sections 302 and 201 IPC and sentenced to life imprisonment with fine of Rs.500/- under Section 302 IPC and to undergo RI for 3 years with fine of Rs.200/-under Section 201 IPC with usual default stipulations. Learned Counsel for the Appellants submits that the Appellant has been convicted solely on the basis of weak circumstantial evidence of last seen by Bhojram (PW-4) and Sukant Sahu (PW-11). It has been argued that from the statements of Bhojram (PW-4) and Sukant Sahu (PW-11), it cannot be said with certainty that it is the accused/Appellant, who could have killed the deceased. Lastly, it has been argued that the Appellant is in jail since 8.7.2010 and that the Appeal is likely to take quite some time for its disposal and therefore, he may be released on bail. On the other hand, learned State Counsel opposes the bail application.

We have heard learned counsel for the parties.

Considering the totality of the facts and circumstances of the case, in particular, the nature of evidence adduced by the prosecution and further considering the detention period of the accused/Appellant, which comes to about more than 7 ½ years, without further commenting on merits, we are of the opinion that present is a fit case to suspend the jail sentence imposed upon the Appellant.

Accordingly, IA No.2/2018 is allowed.

It is directed that the jail sentence imposed upon the Appellant shall remain suspended during the pendency of this Appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the trial Court. The Appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-

(Pritinker Diwaker)

JUDGE

Sd/-

(Sanjay Agrawal)

JUDGE