

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1131 of 2014**

- 1. Jitendra Kumar Jangde @ Jittu S/o Krishn Kumar Jangde, Aged about 33 Years, Occupation-Shopkeeper, R/o Village Jamkor, P.S. & Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.) At Present Nehru Nagar, P.S. Balko Nagar, (Civil & Revenue) Distt. Korba (C.G.)
- 2. Krishn Kumar Jangde, S/o Late Kushal Kumar Jangde, Aged about 55 Years, Occupation-Service, R/o Village Jamkor, P.S. & Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.) At Present Nehru Nagar, P.S. Balko Nagar, (Civil & Revenue) Distt. Korba (C.G.)
- 3. Smt. Gaga Bai Jangde, W/o Krishn Kumar Jangde, Aged about 50 Years, Occupation-House Wife, R/o Village Jamkor, P.S. & Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.) At Present Nehru Nagar, P.S. Balko Nagar, (Civil & Revenue) Distt. Korba (C.G.)
- 4. Sudin Das Jangde, S/o Late Kushal Kumar Jangde, Aged about 56 Years, Occupation-Milk Seller, R/o Village Jamkor, P.S. & Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.) At Present Nehru Nagar, P.S. Balko Nagar, (Civil & Revenue) Distt. Korba (C.G.)
- 5. Raja Kumar Jangde, S/o Krishn Kumar Jangde, Aged about 36 Years, R/o Village Jamkor, P.S. & Revenue Distt. Mungeli, Civil Distt. Bilaspur (C.G.) At Present Nehru Nagar, P.S. Balko Nagar, (Civil & Revenue) Distt. Korba (C.G.)

**---- Appellants**

**Versus**

State of Chhattisgarh Through P.S. Balko, (Civil & Revenue)  
District Korba (C.G.)

**---- Respondent**

DB

**Hon'ble Shri Justice Pritinker Diwaker**  
**Hon'ble Shri Justice Inder Singh Uboweja**

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| 08/09/2015 | Smt. Kiran Jain, counsel for the appellants.<br>Shri Avinash Mishra, P.L. for the State. |  |

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|  | <p>Heard on I.A. No.02/2015, application filed on behalf of appellant No.1, for suspension of sentence and grant of bail.</p> <p>The appellant No. 1 Jitendra Kumar Jangde @ Jittu stands convicted for offence punishable under Sections 302 and 201 of the IPC and sentenced to undergo imprisonment for life and to undergo RI for 5 years with fine of Rs.5000/- and Rs.1000/-, in default of payment of fine, to further undergo RI for one year and 6 months respectively vide judgment dated 31-10-2014 passed in <b>S.T. No. 81 of 2013</b> by the Second Additional Sessions Judge, Korba District Korba (C.G.).</p> <p>Learned counsel appearing for the appellant submits that the present is a case of no evidence but the appellant has been convicted for offence under Section 302 of IPC. She submits that the Court below has recorded the finding that the accused/ appellant No.1 had killed the deceased by pressing her neck whereas there is no postmortem report on the record and as such the finding of the court below is perverse. It is further argued that the accused/appellant No.1 has been convicted on the basis of the statement of PW-4 Naresh Prasad Jangde, driver of the vehicle who had merely stated that when he was taking the deceased to hospital along with the appellants, on the way, the deceased died. Lastly, it has been submitted that the appeal is likely to take for some time for its final decision, therefore, the appellant No.1 be released on bail.</p> <p>On the other hand, opposing the bail application, it has been argued by the learned State counsel that the conduct of the appellant No.1 is as such where neither he waited for relatives nor informed them and performed last ritual rites. He further submits that the accused appellant No.1 should have taken the body of the deceased for postmortem.</p> <p>Considering the totality of the case, the evidence adduced by the prosecution and without further commenting on merits, we are inclined to release the appellant No.1 Jitendra Kumar</p> |  |
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| Kvr | <p>Jangde @ Jittu, on bail.</p> <p>Accordingly I.A. No.01, application for grant of bail is allowed and it is directed that execution of the jail sentence awarded to appellant No.1 namely, Jitendra Kumar Jangde @ Jittu, by the trial Court shall remain suspended during pendency of the appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with local surety in the like amount to the satisfaction of trial Court. The appellant No.1 is exempted from giving personal appearance until and unless otherwise directed.</p> <p>Certified copy as per rules.</p> <div><div><p>Sd/-<br/>(Pritinker Diwaker)<br/>JUDGE</p></div><div><p>Sd/-<br/>(I.S. Uboweja)<br/>JUDGE</p></div></div> |
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