

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1176 of 2015

1. Kuwar Singh Alias Pappu S/O Shri Shivnarayan Singh Aged About 22 Years R/O Village Jadhari Police Station Khadgawa, Civil And Rev. Distt. Korea Chhattisgarh.
2. Govind Singh S/O Balmohansingh Aged About 20 Years R/O Village Jadhari Police Station Khadgawa, Civil And Rev. Distt. Korea Chhattisgarh.

---- Appellants

Versus

- State Of Chhattisgarh Through S.H.O. Khadgawa, District Korea Chhattisgarh.

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09/02/2016	Mr. R.V. Rajwade, Advocate for the appellants. Mr. Vivek Sharma, Government Advocate for the State. Heard on I.A. No.01/2015, application for suspension of sentence and grant of bail to the appellants. Present appeal arises out of judgment of conviction and order of sentence dated 25.08.2015 passed by the 1st Additional Sessions Judge, Manendragarh, District Koriya in Sessions Trial No. 80/2013 convicting the appellants under Sections 302/34 and 201/34 of the IPC sentencing them to undergo life imprisonment and to pay fine of Rs.1,000/- and to undergo R.I. for 3 years and to pay fine of Rs.500/- each. Both the sentences are directed to be run concurrently. In default of payment of fine, further S.I. for three months each. Counsel for the appellants submits that the appellants have been convicted solely on the basis of statement of Shiv Prasad (PW-11), memorandum of	

	the appellants and seizure of anklet and mobile. However, none of the seized articles have been identified by any member of the deceased family. On the other hand, State counsel has opposed the bail application. We have heard learned counsel for the parties and perused the judgment impugned and record of the Court below. Considering the totality of the case, in particular, nature of evidence and material collected by the prosecution and the fact that none of the article was put for the identification, we are inclined to release the appellants on bail. Accordingly, I.A. No.01/2015 is allowed and it is directed that execution of the jail sentences awarded to the appellants by the trial Court shall remain suspended and they shall be released on bail on their furnishing personal bond in the sum of Rs.15,000/- each with one solvent surety in the like amount till final disposal of the appeal. Appellants are exempted from giving personal appearance any where unless otherwise directed. Sd/- (Pritinker Diwaker) Judge Sd/- (I.S. Uboweja) Judge	
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