

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 91 OF 2018

Arun Kumar Sahu S/o Nanduram Sahu Aged About 28 Years Occupation Wage, R/o Ram Nagar, Dundera, Thana Utai, District Durg, Chhattisgarh.

---- **Appellant****Versus**

The State of Chhattisgarh Through the Arakshi Kendra Utai, District Durg, Chhattisgarh.

---- **Respondent**

05/04/2018	<p>Mr. Kapil Maine, Advocate for the appellant.</p> <p>Mr. Avinash K. Mishra, P.L. for the State/respondent.</p> <p>Heard on I.A. No. 2/2018, an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 15/12/2016 passed by the Second Additional Sessions Judge, Durg (C.G.) in Sessions Trial No.131/2015, the accused/appellant stands convicted under Sections 302 & 450 IPC and sentenced to undergo life imprisonment with fine of Rs. 250/- under Section 302 IPC and to undergo R.I. for 10 years with fine of Rs. 250/- under Section 450 IPC with usual default stipulations.</p> <p>Learned counsel for the appellant submits that there is no eyewitness account to the incident and the appellant has been convicted only on the basis of weak circumstantial evidence. It has been argued that the trial Court has erred in law in appreciating the evidence of Devsingh Sahu (PW-4) and Leeladhar (PW-6)</p>

and even the evidence of last seen is weak in nature. He further submits that the trial Court has further erred in law in convicting the appellant solely on the basis of memorandum.

On the other hand, learned State counsel opposes the bail application.

We have heard learned counsel appearing for the parties.

Considering the totality of the facts and circumstances of the case and the evidence available on record, without further entering into merits of the case, we are of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, I.A. No. 2/2018 is allowed.

It is directed that the substantive 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 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