

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 953 of 2017

Murlidhar Sarthi **Versus** State Of Chhattisgarh

CRA/1083/2017

25/11/2019	Shri Ashok Verma, counsel for the appellant in CRA No.1083/2017 and Ms. Anusuiya Rajput, counsel for the appellant in CRA No.953/2017. Heard on IA Nos.1/2019 and 2/2017, applications for suspension of sentence and grant of bail. The deceased Paluram Sahu went to some other village in the morning of 01.12.2015 on a motorcycle and thereafter his dead body was found near Agasmar Road, Eighteen Nala, Domnara at about 11:30 am on 02.12.2015. In the absence of eye witness, the prosecution case is based on evidence of last seen together by PW-4 Savita Sahu and PW-6 Seema Sahu. However, both the witnesses have not named the present accused persons in their diary statements, which was recorded after 5-6 days of incident. Neither they informed the Police that they can identify the persons with whom the deceased had come to their residence nor TI parade has been conducted during the investigation. The conviction is thus based on memorandum statement and consequent seizure of stone, which was used for committing murder. Considering the quality of evidence, we are inclined to suspend the sentence and release the appellants on bail. Accordingly, IA Nos.1/2019 and 2/2017 are allowed.

Execution of substantive jail sentence imposed upon the appellants shall remain suspended during the pendency of these appeals and they are directed to be released on bail provided each of them furnish a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on 30.01.2020 and thereafter they shall continue to appear before the trial Court on all such subsequent dates as are given to them by the said Court, till the disposal of these appeals.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Nirala