

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 114 of 2017

Chandan Singh S/o Sundar Sai Gond, Aged About 33 Years Occupation Agriculture, R/o Village Ghatbarra, Police Station Udaypur, District Surguja Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Udaypur, District Surguja (Ambikapur) Chhattisgarh.

---- Respondent

05/05/2017	<p>Shri Amarnath Pandey, Advocate for the appellant. Shri Adil Minhaj, Panel Lawyer for the State/ respondent.</p> <p>Heard on I.A. No. 1 of 2017, an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 18.1.2017 passed by the learned Sessions Judge, Ambikapur, District Ambikapur, Chhattisgarh in Sessions Trial No. 18 of 2016, the appellant stands convicted under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay fine of Rs.2,000/-, in default of payment of fine, to further undergo RI for six months.</p> <p>Learned counsel for the appellant submits that the sole eyewitness Jagarnath (PW-7) has not been found to be reliable by the trial court. He submits that the diary statement of Jagarnath (PW-7) was recorded after about 2 ½ months of the incident and even in the court he does not appear to be</p>	

trustworthy witness. It has been argued that the other circumstances which have been found proved by the prosecution against the appellant are also weak in nature. Even the chassis and engine number of the motorcycle seized from the spot and that of the appellant is different. It has been further argued that there is no serological report.

On the other hand, Learned counsel for the State has opposed the application.

Considering the nature of evidence available on record, without further commenting anything on its merits, we are inclined to release the appellant on bail.

Accordingly, the bail application is allowed.

It is directed that the jail sentence imposed upon appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on 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/-
(R.C.S. Samant)
Judge