



## HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet  
**CRA No. 153 of 2020**

- Sankra Yadav S/o Mahesh Ram Yadav, Aged About 25 Years R/o. Village Aamapal, P.S. Chakradharnagar, District Raigarh Chhattisgarh.

---- Appellant

**Versus**

- State Of Chhattisgarh Through P.S. Chakradharnagar District Raigarh Chhattisgarh.

---- Respondent

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| 01-09-2021 | <p>Mr. H.A.P.S. Bhatia, counsel for the appellant/s.</p> <p>Mr. Lalit Jangde, Dy. GA for the State/respondent.</p> <p>Heard on I.A. No. 02/2020 application for suspension of sentence and grant of bail.</p> <p>The appellant has been convicted under the impugned judgment of conviction and order of sentence dated 24.05.2017 passed by the Fifth Upper Sessions Judge Raigarh, District Raigarh, CG in Sessions Trial No. 05/2017.</p> <p>Learned counsel for the appellant would argue that the conviction has been ordered by the learned trial Court ignoring the prosecution's own document in the form of dying declaration recorded by an Executive Magistrate in which it has been clearly stated that the deceased caught fire due to accident and placing reliance upon a concocted story of dying declaration developed after the deceased died due to burn injury a week after the date of incident and recording of dying declaration, there being no other report during this period of one week by any of the witnesses of oral</p> |
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dying declaration namely Bund Kunwar (PW-3), Dilkhush Yadav (PW-4) and Jagarmati (PW-6).

On the other hand, learned State counsel would submit that the learned trial Court has found the dying declaration doubtful for the reason that in-laws including the husband of the deceased were present and therefore, the dying declaration in all probability was under pressure and not voluntary and taking into consideration that there is other evidence with regard to cruelty committed on the deceased.

Having considered submission of learned counsel for the parties, particularly taking into consideration that the prosecution itself has come out with recording of dying declaration (Ex.P-6), the evidence of Executive Magistrate (PW-14), certificate of fitness given by the doctor and further taking into consideration that during the period the deceased remained admitted in the hospital from 17.07.2016 to 24.07.2016, none of the witnesses Bund Kunwar (PW-3), Dilkhush Yadav (PW-4) and Jagarmati (PW-6) lodged any report and that allegation of setting the deceased on fire was made only after death and that the appellant has already undergone more than 4½ years of jail sentence, we are inclined to allow the application and suspend the jail sentence and grant bail.

Accordingly, the application is **allowed**. It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of the appeal and he shall be released on bail furnishing a personal bond of Rs. 25,000/- with two local sureties of the like amount to the satisfaction of the concerned trial Court, for his appearance before the concerned trial Court on **04th October, 2021** and all such further dates as may be directed by the said Court, interval being not less than 6 months, till final disposal of this appeal.



2026:CGHC:1145-DB

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|  | <p>Post the appeal for final hearing.</p> <p>Certified copy as per rules.</p> <div><div><p>Sd/-</p><p><b>(Manindra Mohan Shrivastava)</b></p><p>Judge</p></div><div><p>Sd/-</p><p><b>(Vimla Singh Kapoor)</b></p><p>Judge</p></div></div> |
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Pawan Prajapati