

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

Criminal Appeal No.685 of 2017

1. Manpyara Nagwanshi S/o Dilbandhu Nagwanshi Aged About 19 Years R/o Village- Tuttoli, Police Station- Kansabel, District- Jashpur, Chhattisgarh.
2. Chaitan Ram S/o Nanram Aged About 25 Years R/o Village- Tuttoli, Police Station- Kansabel, District- Jashpur, Chhattisgarh.

---- Appellants

Versus

State Of Chhattisgarh Through Station House Office, Police Station- Kansabel, District- Jashpur, Chhattisgarh.

---- Respondent

16.04.2018	<p>Shri Basant Dewangan, counsel for the Appellants. Shri Avinash K Mishra, Panel Lawyer for the State. Heard on I.A No.1/2018, an application for suspension of sentence and grant of bail.</p> <p>By the impugned judgment dated 19.1.2017 passed by the Sessions Judge, District Jashpur (CG) in Sessions Trial No.45/2016, the Accused/Appellants stand convicted under Sections 404, 302 and 201 IPC and sentenced to undergo RI for 2 years and fine of Rs.1,000/-, to undergo life imprisonment and fine of Rs.3,000/- and to undergo RI for 5 years and fine of Rs.2,000/- respectively on each count with usual default stipulations.</p> <p>Learned Counsel for the Appellants submits there is no eyewitness account to incident and the Appellants have been convicted mainly on the basis of circumstantial evidence and the main piece of evidence against them is their memorandum an seizure. Lastly, it has been argued that the Appellants are in jail since about two years, and that the Appeal is likely to take quite some time for its disposal and therefore, they may be released on bail.</p> <p>On the other hand, learned State Counsel opposes the bail</p>
------------	--

application.

We have heard learned counsel for the parties.

Considering the totality of the facts and circumstances of the case, in particular, the nature of evidence adduced by the prosecution, without further commenting on merits, we are of the opinion that present is a fit case to suspend the jail sentence imposed upon the Appellants.

Accordingly, IA No.1/2018 is allowed.

It is directed that the jail sentence imposed upon the Appellants shall remain suspended during the pendency of this Appeal and they shall be released on bail on their furnishing a personal bond in the sum of Rs.10,000/- with one surety each in the like sum to the satisfaction of the trial Court. The Appellants need not give appearance anywhere until and unless otherwise directed.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(Sanjay Agrawal)
JUDGE