



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 262 of 2024

1 - Ganesh Yadav S/o Bachcha Ram Yadav Aged About 53 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

2 - Rinku Yadav S/o Ganesh Ram Yadav Aged About 20 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

3 - Nitesh Yadav S/o Ganesh Ram Yadav Aged About 26 Years R/o Gokul Ganj Sitamani, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

... appellants

versus

1 - State Of Chhattisgarh Through Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

... Respondent(s)

Order on Board

29/07/2025	Mr. Salvik Tiwari, Advocate along with Ms. Prathana Khandelwal, learned counsel for the appellants. Mr. Keshav Gupta, Govt. Advocate, for the Respondent/ State. By the impugned judgment of conviction and order of sentence dated 12.01.2024, the learned Additional Session Judge, FTC, Korba, District - Korba (C.G.) in S.T. No. 25 of 2023, have convicted the appellants for the offence punishable under Section 307/34 of the IPC 1860 and sentenced them to undergo ten-ten years rigorous imprisonment with fine of Rs. 2000/-2000/- each, in default of payment of payment of fine further rigorous imprisonment for three-three months. Heard I.A. No. 02 of 2025, which is the second application of the appellants for suspension of sentence and grant of bail. The first application for suspension of sentence and grant of bail of the appellants have been rejected on merits vide order dated 19.04.2024. Learned counsel for the appellants would submit that the appellants are belonging to the same family and are in jail since 12.01.2024 i.e. from the date of passing of the judgment by the learned trial Court. They have been sentenced R. I. For 10 years and they have already undergone about two years of their sentence. There is no possibility of early hearing of the appeal and therefore, the appellants may be released on bail. On the other hand, learned counsel for the State/respondent opposes and has submitted that the first application for suspension of sentence and grant of bail of the appellants has been rejected on merits and there is already an order for listing of the appeal for final hearing and therefore,

there is no change in circumstances and the present application is liable to be rejected.

I have heard learned counsel for the parties and considered their rival submissions.

Considering the submissions made by learned counsel for the parties, considering that the first application for suspension of sentence and grant of bail has been rejected on merits on 19.04.2024, looking to the gravity of the offence as well as the fact that the appellants have been sentenced R. I. For ten-ten years and they have remained in jail for about two years and further that there is already an order for listing of the appeal for final hearing, I am not inclined to allow the second application of suspension of sentence and grant of bail filed by the appellants.

Accordingly, I.A. No. 2 of 2025 filed by appellants stands **rejected**.

Sd/-

(Ravindra Kumar Agrawal)

Judge