

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 828 of 2016

Smt. Sangita Choudhary, W/o Lalchand Ram Choudhary, aged about 22 years, resident of village Sukhari, police station Gandhi Nagar, Ambikapur, District Surguja, Chhattisgarh.

---- **Appellant** (in Jail)

Versus

State of Chhattisgarh through the police station Gandhi Nagar, Ambikapur, District Surguja, Chhattisgarh.

---- **Respondent**

18/04/2017	Shri V.K. Pandey, Advocate for the appellant. Shri V.A. Goverdhan, Panel Lawyer for the State/ respondent. Heard on I.A. No. 1 of 2016, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 4.6.2016 passed by the learned Fifth Additional Sessions Judge, Ambikapur, District Surguja, Chhattisgarh in Sessions Trial No. 57 of 2015, 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.200/-, in default of payment of fine, to further undergo SI for four months. Learned counsel for the appellant submits that there is no direct evidence against the accused/ appellant showing his involvement in commission of offence. He further submits that no one has seen the appellant administering poison to the deceased. It has been argued that on the date of incident, apart	

from the appellant, more than 4 to 5 members were there in the house and all of them had food together.

Learned counsel for the appellant further submits that the poison has been seized after about one month from one Chaman Ram (PW-4) and the prosecution has utterly failed to prove that the said poison was administered by the appellant. He placed reliance on the judgment of the Apex Court in the case of **Ramgopal vs. State of Maharashtra** reported in **AIR 1972 SC 656**.

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

Considering the facts and circumstances of the case in particular, nature of circumstantial evidence adduced by the prosecution, 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 the 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