

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 812 of 2017

- Sujit Hemran @ Takla S/o Shri Jitendra Hemran, Aged About 18 Years R/o Village Lalmati Ruputola, P.S. Raghunathpali, District Sundargarh, Orrisa. At Present R/o Near Quality Foundry, Jhopadpatti, Village Sankri, Police Station Vidhansabha, District (Revenue & Civil) Raipur (Chhattisgarh)

---- Appellant

Versus

- State Of Chhattisgarh Through District Magistrate, District Raipur (Chhattisgarh)

--Respondent

03/10/2017	Shri Yogesh Pandey, Advocate for the appellant. Shri Vaibhav Govardhan, PL for the State. Heard on I.A.No.2/2017, for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 29.12.2016 passed by the First Additional Sessions Judge, Raipur (CG) in ST No.81/2016, the accused/appellant stands convicted as under: <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 302 IPC</td><td>R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month</td></tr><tr><td>Under Section 450 IPC</td><td>R.I. for 10 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month</td></tr><tr><td>Under Section 364 IPC</td><td>R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month</td></tr><tr><td>Under Section 201 IPC</td><td>R.I. for 7 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month</td></tr></table>	Conviction	Sentence	Under Section 302 IPC	R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month	Under Section 450 IPC	R.I. for 10 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month	Under Section 364 IPC	R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month	Under Section 201 IPC	R.I. for 7 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month
Conviction	Sentence										
Under Section 302 IPC	R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month										
Under Section 450 IPC	R.I. for 10 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month										
Under Section 364 IPC	R.I. for life and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month										
Under Section 201 IPC	R.I. for 7 years and fine of Rs.100/-, in default of payment of fine additional R.I. for 1 month										

	All the sentences were directed to be run concurrently. Learned counsel for the appellant submits that there is no eye-witness account to the incident and the appellant has been convicted solely on the basis of weak type of circumstantial evidence. It has been further argued that no incriminating article has been seized from the possession of the appellant showing his involvement in commission of offence. Learned counsel submits that the appeal is likely to take some time for its final disposal, therefore, the appellant be released on bail. On the other hand, learned counsel for the State opposes the bail application. Considering the totality of the case, in particular, the circumstantial evidence adduced by the prosecution, without further commenting on merits, we are inclined to release the appellant on bail. Accordingly, I.A.No.2/2017 is allowed. It is directed that the substantive jail sentences imposed upon appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court. The appellant need not give appearance anywhere until and unless otherwise directed. Sd/ (Pritinker Diwaker) Judge Sd/ (Ram Prasanna Sharma) Judge
sunita	