



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 544 of 2024

Shankar Baghel S/o Sitaram Baghel Aged About 23 Years R/o Village Homaras P.S. Kukanar Distt. Sukuma (C.G.)

... Appellant**versus**

State Of Chhattisgarh Through P.S. Kukanar Distt. Sukuma (C.G.)

... Respondent

(Cause title taken from Case Information System)

Order Sheet

<u>21/04/2025</u>	Smt. Indira Tripathi, Advocate for the appellant. Mr. Pranjal Shukla, Panel Lawyer for the State. Heard on I.A. No. 1 of 2024, which is the application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted and sentenced by

the judgment of conviction and order of sentence dated 27.02.2024, passed in Sessions Trial No. 94 of 2019, by learned Sessions Judge, South Bastar, District Dantewada (C.G.), in the following manner:-

Conviction	Sentence
U/s. 148 of IPC	Rigorous Imprisonment for 01 year and fine of Rs. 500/-, in default of payment of fine additional R.I. for 01 month.
U/s. 307 of IPC	Rigorous Imprisonment for 07 years and fine of Rs. 2000/-, in default of payment of fine additional R.I. for 04 months.
U/s. 450 of IPC	Rigorous Imprisonment for 03 years and fine of Rs. 1000/-, in default of payment of fine additional R.I. for 02 months.
All the sentences are directed to be run concurrently.	

Learned counsel for the appellant would submit that there are five persons have been prosecuted, out of which four have been acquitted and the present appellant has been convicted. The victim has not identified the assailant and there are material contradictions. There are inconsistency in the evidence of prosecution witnesses. As per the injuries found on the body of the injured, the offence under Section 326 of IPC at the most is made out. The appellant was on bail during the trial and is in jail since

27.02.2024, the final adjudication of the appeal will take its own time. Therefore, he may be enlarged on bail.

On the other hand, learned counsel for the State opposes and has submitted that from the evidence of the wife of the injured Sonmati Kashyap (PW-5), the involvement of the present appellant has been proved. He inflicted injuries by axe on the head of the injured, while he was sleeping in his house. From the evidence of Dr. Thomas Damor (PW-20), he opined that the injuries found on the body of the injured, is grievous in nature and death might have been caused by the said injuries. Therefore, the appellant is not entitled for bail.

I have heard learned counsel for the parties and perused the record.

Considering the submissions made by learned counsel for the parties, considering the nature of the allegations against the appellant, further considering that the named report has been lodged against the present appellant, he caused injuries on the head of the injured/PW-6, when he was sleeping in his house. As per

the evidence of doctor (PW-20), the injuries are grievous in nature and death might have been caused from the injuries, I am not inclined to release the appellant on bail at this stage.

Accordingly, his application for suspension of sentence and grant of bail (i.e. I.A. No. 1 of 2024) is **rejected**.

List this case for final hearing after 08 weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge