

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 501 of 2019**

1. Banshilal Sahu S/o Hiraram Sahu, Aged About 55 Years, R/o Village Chharchhed, P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh.
2. Sushila Bai Sahu W/o Banshilal Sahu Aged About 53 Years R/o Village Chharchhed, P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh.
3. Ku. Mansi D/o Banshilal Sahu, Aged About 19 Years R/o Village Chharchhed, P. S. Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh.

----Appellants**Versus**

- State of Chhattisgarh, Through The Station House Officer, Police Station Kasdol, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondents

31/07/2019	Shri Anish Tiwari, counsel for the appellants. Shri Santosh Bharat, P.L. for the State. Heard on I.A. Nos. 03/19 & 04/19, applications for suspension of sentence and grant of bail under Section 389(2) of the code of Criminal Procedure, 1973 to the appellants. By the impugned judgment dated 05.03.2019 passed by the First Additional Sessions Judge (FTC), Balodabazar (C.G.) in Sessions Case No. 67/2017, the appellants stand convicted and sentenced as under: <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 302 of Indian Penal Code, 1860.</td><td>Life imprisonment and fine of Rs.1,000/-, in default of payment of fine, rigorous imprisonment for one year.</td></tr></table> Perusal of the deposition of PW-1 Ravindra would reveal that after some altercation between the appellants No. 2 & 3 and the	Conviction	Sentence	Under Section 302 of Indian Penal Code, 1860.	Life imprisonment and fine of Rs.1,000/-, in default of payment of fine, rigorous imprisonment for one year.	
Conviction	Sentence					
Under Section 302 of Indian Penal Code, 1860.	Life imprisonment and fine of Rs.1,000/-, in default of payment of fine, rigorous imprisonment for one year.					

deceased, appellant No.1 came to the bathing *ghat* of the village pond and scuffle took place between him and the deceased in which the deceased slipped and drowned in the pond. He has also stated that at the time of incident about 20-25 ladies were taking bath in the *ghat*. However, the prosecution has not examined any of these ladies who were present on the spot.

Considering the evidence available on record, we are inclined to suspend the sentence and release the appellants on bail.

Accordingly, both the applications I.A. Nos.3/19 & 4 /19 are allowed.

It is directed that the execution of substantive jail sentence imposed upon appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court. They shall appear before the Trial Court on **15th October, 2019** and thereafter continue to appear there on all such dates as are given to them by the said Court till disposal of this appeal.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

