

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

I.A. No. 1 of 2022

In Re:

Criminal Appeal No. 622 of 2022

Sitaram @ Golu Rathore S/o Ghanshyam Rathore Aged About 27 Years R/o Village Nevri Navapara, P.S. Gaurela, District Gaurela-Pendra - Marwahi (Chhattisgarh)

---- Appellant

Versus

State of Chhattisgarh Through Police Station Gaurela, District Gaurela - Pendra - Marwahi (Chhattisgarh)

---- Respondent

(Cause-title taken from Case Information System)

02.08.2023	By the impugned judgment of conviction and order of sentence dated 25.02.2022, the Additional Sessions Judge Pendra Road, District Bilaspur, in Sessions Trial No. 15 of 2020 has convicted the appellant for the offence punishable under Section 302 of the Indian Penal Code (for short, the IPC) and sentenced him to undergo rigorous imprisonment for life with fine of Rs.100/-, in default of payment of fine, additional R.I. for 15 days. Heard Shri Abhishek Sinha, Sr. Advocate and Shri Samarth Singh Marhas, learned counsel for the appellant and Shri Gagan Tiwari, learned Dy. Govt. Advocate, appearing for the State/respondent on the instant application for suspension of sentence and grant of bail (I.A. No.1 of

2022).

Learned counsel for the convict/appellant has argued that the applicant who is the Husband of the deceased and his case is that though the deceased is his wife but he was not present at the time of incident. He further submits that an FIR was lodged by the Sarpanch of the village who is PW-1, Bharthar Ekka. PW-5, Rajkumar Rathore has stated that when he reached the house of the appellant he found the dead body of the deceased. Learned counsel for the petitioner has argued that the applicant is in jail since 30.04.2020 and all the witnesses have turned hostile. Therefore, the appellant may be released on bail.

On the other hand, learned counsel appearing for the State/respondent opposed the prayer for grant of bail and submitted that the appellant has murdered his wife with Knife. Bloodstained clothes and weapon of assault was recovered. He was immediately arrested on the next day i.e. on 30.04.2020. Memorandum statement was recorded. The blood found in the knife was matched with the blood group of the deceased. The applicant has failed to explain the death of his wife died in his house. Therefore, the application for grant of bail deserves to be rejected.

We have heard learned counsel for the parties and perused the records of the Court below.

Considering the material available on record, particularly the statement of PW-5, Rajkumar Rathore, the fact that the weapon of assault was recovered and there was bloodstained found on the weapon of assault as well as the clothes of the appellant, the blood group of which was matched with the blood group of the deceased which shows participation of the appellant in the commission of the offence, at this stage, we deem it appropriate to reject the application for suspension of sentence and grant of bail.

Accordingly, IA No. 1 of 2022 stands disposed of.

It transpires from the record that the matter is ripe for final hearing.

Let the matter be listed for final hearing after eight weeks.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice