

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 1920 of 2017**

- Shiv Prasad @ Ladhu, S/o Shri Jagdharan, Aged About 40 Years, R/o Village Madva Sarharipara, P. S. Chando, District Balrampur-Ramanujganj, Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh Through Police Station Chando, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

06/05/2022	Shri Viprasen Agrawal, Counsel for the Appellant. Shri Shubham Verma, P.L. for the State/Respondent. Heard I.A. No. 01/2022, application for suspension of sentence and grant of bail (Repeat Bail). This is a repeat bail application. Vide order dated 28.03.2018, I.A. No.2/2017, application for suspension of sentence and grant of bail was dismissed as withdrawn. By the impugned judgment dated 12/09/2017 passed by the Additional Sessions Judge, Ramanujganj, District – Surguja (Ambikapur) (C.G.), in Sessions Trial No.546/2011, appellant stands convicted for the offence punishable under Sections 302 and 201 of the Indian Penal Code and sentenced for life imprisonment and fine of Rs.1,000/- and R.I. for 2 years and fine of Rs.100/- respectively, with default stipulations. Both sentences to run concurrently. Learned Counsel appearing for the appellant submits that the appellant has been wrongly convicted by the trial Court without there being any clinching evidence against him. There is no any eye-witness present in this case. He further submits that, from the evidence adduced by the prosecution, it appears that due to sudden provocation, the alleged incident occurred, thus, the offence would fall within the ambit of Section 304 Part I or II. Appellant is in jail since 21.09.2011. Therefore, it is prayed that the sentence imposed upon the appellant may be suspended and



2024:CGHC:13113-DB

he may be released on bail.

On the other hand, learned Counsel appearing on behalf of the State opposes the same and supports the judgment of conviction.

We have heard both the parties and perused the record of the Trial Court.

Considering the facts and circumstances of the case, evidence adduced by the prosecution and particularly considering the fact that appellant is in jail since 21.09.2011 and he has served jail sentence for more than 10 years, without further commenting of merits of the case, we are inclined to release the appellant on bail during the pendency of this appeal.

Accordingly, I.A. No. 01/2022 is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond for a sum of Rs. 50,000/- with one solvent surety in the like sum to the satisfaction of the concerned Trial Court for his appearance before the Registry of this Court on **04.08.2022**. He shall thereafter appear before the Trial Court on a date given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this appeal.

Subsequently, I.A. No.2/2022, application for urgent hearing and listing the case as out of turn is disposed of.

List this case for final hearing in due course.

Sd/-
(Sanjay Agrawal)
Judge

Sd/-
(Arvind Singh Chandel)
Judge