

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1864 of 2017

1. Raju @ Rohit Chandrakar S/o Puranic Chandrakar, aged 33 years, Profession - Labourer, R/o village Chandrakhuri, Thana Pulgaon, District Durg, CG

Appellant

Versus

1. State of Chhattisgarh through Police Station Dadhi, District Bemetara, CG

Respondent

CRA No. 1901/2017

1. Vijay Kumar Soni son of Laxmi Nath, aged about 48 years, R/o village Salhekala, Police Station - Chhuikhadan, District Rajnandgaon CG

Appellant

versus

1. State of Chhattisgarh through Police Station Dadhi, District Bemetara, CG

Respondent

CRA No. 80/2018

1. Ramdhari Pardhi son of Nanduram @ Nandkumar, aged about 30 years, Occupation - Farmer, R/o village Damoda, PS Pulgaon, District Durg, CG

Appellant

versus

1. State of Chhattisgarh through Police Station Dadhi, District Bemetara, CG

Respondent

12.07.2018	Shri Kishore Bhaduri, Shri Alok Dewangan and Shri Suresh Verma counsel for the appellants. Shri Vaibhav Goverdhan PL for the respondent/State	
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Heard on **IA No.1/2017 in Cr.A. Nos. 1864/2017 and Cr.A. No. 1901/2017, and IA No.2/2018 in Cr.A. No. 80/2018** - the applications for suspension of sentence and grant of bail.

Accused/appellants in all the three appeals have been convicted by a common judgment dated 31.10.2017 passed in ST No. 49/2015 under Sections 460, 380 and 302/34 IPC and sentenced to undergo imprisonment for life with fine of Rs. 1000/- u/s 460, rigorous imprisonment for seven years with fine of Rs. 1000/- u/s 380 and imprisonment for life with fine of Rs. 1000/- u/s 302/34 IPC, plus default stipulations.

Counsel for the appellants submit that there is no eyewitness to the incident and the appellants have been convicted solely on the basis of circumstantial evidence. They submit that there is no evidence connecting the accused/appellants with commission of murder of Bhuruva Soni and that even if the entire case of the prosecution is taken as it is, at the most they can be convicted under Section 412 IPC. They further submit that the appellants are in jail for last three years and there is no likelihood of appeal being disposed of in near future and therefore, they may be released on bail.

On the other hand counsel for the State opposes the

applications for suspension of sentence and grant of bail.

Having heard counsel for the parties and considered the evidence on record, without further entering into the merits of the case, this Court is of the considered opinion that it is a fit case to suspend the substantive sentence imposed on the appellants and release them on bail. Accordingly, the applications are allowed, substantive sentence imposed on the appellants stands suspended and they are directed to be released on bail on each of them furnishing a bond in the sum of Rs. 1,00,000/- (one lakh) with one surety for the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge