

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 692 of 2018

- Manbodh Khare, S/o Tijauram Khare, aged about 37 years, R/o Arajpuri, P.S. Mangchua, District- Balod, Chhattisgarh.

----Appellant

Versus

- State Of Chhattisgarh Through S.H.O. Mangchua, District-Balod, Chhattisgarh.

-----Respondent

04/07/2018	Shri B. P. Singh, counsel for the Appellant. Shri Ravindra Agrawal, Govt. Advocate for the State. Heard on I.A. No. 01/2018, application for suspension of sentence and grant of bail to the appellant. By the impugned judgement dated 20.04.2018, passed by the 1st Additional Sessions Judge Balod, District- Balod in S.T. No. 110/2017, the appellant stands convicted under Section 302 of IPC and sentenced to undergo imprisonment for life and fine of Rs. 1000/-, in default to undergo RI for three months. Counsel for the appellant submits that the appellant has been convicted solely on the basis of statement of Johanram Rawte (PW-3), however, the evidence of this witness is not reliable as his case diary statement was recorded about 74 days after the incident. It has been further argued that during this period the witness was in the village but he has not disclosed the incident to anyone. Counsel for the appellant further submits that there are two groups in the village and the appellant belongs to one group whereas the deceased and so called eyewitness belong to the other group. On the other hand, State counsel opposed the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of evidence adduced by the prosecution, without further commenting on merit, we are of the opinion that present is a fit case to suspend the jail sentences imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A.No.01/2018) is allowed.

It is directed that the sentences 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 in the sum of Rs. 50,000/- with one surety in like sum to the satisfaction of the trial Court. The appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(Gautam Chourdiya)
Judge