



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**CRA No.1123 of 2026**

**1** - Rekhala Barle S/o Shri Fankat Barle Aged About 48 Years R/o Village-Katalbod, Thana And Tehsil- Nandghat, Distt.- Bemetara (C.G.)

**2** - Yogendra Barle S/o Shri Itwari Barle Aged About 25 Years R/o Village-Katalbod, Thana And Tehsil- Nandghat, Distt.- Bemetara (C.G.)

**3** - Nandu Barle S/o Shri Fankat Barle Aged About 50 Years R/o Village-Katalbod, Thana And Tehsil- Nandghat, Distt.- Bemetara (C.G.)

**... Appellant(s)**

**versus**

State Of Chhattisgarh Through The District Magistrate Bemetara Distt.- Bemetara (C.G.)

**... Respondent(s)**

(Cause Title downloaded from CIS Periphery)

**Order Sheet**

<b>02/06/2026</b>	Mr. Sunil Sahu, Counsel for the appellants. Mr. Vinod Tekam, Government Advocate for the State.

Heard on admission.

**Admit.**

Record has been received.

Heard on IA No.1/2026, an application under Section 430 of BNSS for suspension of sentence and grant of bail to the appellants.

The appellants have been convicted and sentenced vide judgment dated 16.4.2026 passed by the Second Additional Sessions Judge, Bemetara District Bemetara (CG) in Sessions Case No.44/2023 as under :

<b>Conviction</b>	<b>Sentence</b>
Under Section 147 of the IPC	RI for three months, and fine of Rs.500, in default of fine additional RI for one month
Under Section 148 of the IPC	RI for one year and fine of Rs.500/-, in default of fine additional RI for one month
Under Section 323 of the IPC	Till Rising of Court and fine of Rs.500/- in default of fine additional RI for one month
Under Section 324 of the IPC	RI for one year and fine of Rs.500/-, in default of fine, additional RI for one month
Under Section 308 of the IPC	RI for one year and fine of Rs.500/-, in default of fine, additional RI for one month

Under Section 304-II of the IPC	RI for 7 years and fine of Rs.1000/-, in default of fine, additional RI for two months
<p>Learned counsel for the appellants submits that the dispute in question arose entirely regarding construction of a speed breaker, during which, an altercation took place and both parties assaulted each other. From the side of the complainant, deceased – Tokeshwar sustained injuries when he fell down on the road. According to the testimony of Dr. Naresh Kumar Jangde (PW-10), the deceased sustained fractures in his backbone, specifically to the D-4 and D-6 vertebrae. After primary medical treatment, the patient was referred to a higher medical center, where Dr. Kamalkant Sahu (PW-18) operated on the posterior portion of the deceased, during which, implants, screws and rods, were surgically inserted. After undergoing the necessary medical treatment, the deceased was discharged from the hospital. However, subsequent post-operative complications arose, as a consequence of which the body of the deceased developed septicemia and after 27 days of the incident, the deceased died. Learned counsel for the appellants further submits that in view of these medical facts, the</p>	

death was a result of intervening post-operative septicemia rather than the direct injuries inflicted during altercation. As such, the offence under Section 304 Part-II, which has been alleged against the appellants, is not made out in the present case. He submits that even otherwise, the present is a case of mutual fight where both the parties have assaulted each other. In this regard, a case was registered against the deceased as well, and trial had also commenced against him. However, due to his subsequent demise, the trial against the deceased was closed. So far as the other co-accused persons are concerned, their trial is still ongoing. He further submits that appellant No.1 – Rekhala Barle has undergone about 1015 days of incarceration. So far as appellants 2 -Yogendra Barle and appellant No.3- Nandu Barle are concerned, who were on bail during trial, have now been in jail for about 340 days. Hence, learned counsel for the appellants prays to suspended the jail sentences imposed against the appellants and release them on bail.

On the other hand, learned counsel for the State opposes the application. He submits that considering the nature of injuries and the medical evidence of Dr. Rahul Raj (PW-7), Dr. Naresh Kumar Jangde (PW-10) and Dr. Kamalkant Sahu, (PW-18), no case is made out for suspension of sentence and grant of bail. He submits that the appellants actively assaulted the

deceased, inflicting injuries of a serious nature resulting in the death of the deceased.

Considering the facts and circumstances of the case, particularly considering the nature of the injuries sustained by the deceased on the back portion of the deceased and further considering that the deceased passed away on 14.8.2023 i.e. after 27 days of the incident due to post operative septicemia, and further considering that appellant No.1 is in jail since more than 971 days (as recorded in the impugned judgment) and appellant No.2 & 3, who were granted bail during trial, have also undergone considerable period of jail sentence i.e. 229 days and 189 days respectively (as recorded in the impugned judgment), this Court is of the opinion that the present is a fit case case to suspend the jail sentences imposed against the appellants and release them on bail.

Accordingly, IA No.1/2026 is allowed.

Execution of the substantive jail sentence imposed on the appellants shall remain suspended and they are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with two sureties each in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court **on 6<sup>th</sup> of July 2026**. They shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall

continue to appear there on all such subsequent dates as are given to them by the said Court, till the disposal of this appeal.

In view of the above, IA No.2/2026, an application for hearing the case during summer vacation and IA No.3/2026, an application for urgent hearing stand disposed of.

List the matter for further hearing in the month of July 2026.

Certified copy as per rules.

Sd/-

**(Amitendra Kishore Prasad)**  
Vacation Judge

Shyna Ajay