



HIGH COURT OF CHHATTISGARH, BILASPUR

2025:CGHC:47692-DB

Criminal Appeal No. 786 of 2021

- N. Gopal @ N. Gopalu, S/o N. Gopi Aged, About 21 Years, R/o Sector - 11, Street-08, Zone-1, Behind Dena Bank, Sweeper Mohalla, Khursipar, P.S. Chhaoni, District : Durg, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through The District Magistrate, District : Durg, Chhattisgarh.

---- Respondent

03/12/2021	Mr. M.P.S. Bhatia, Counsel for the appellant. Mr. Sunil Otwani, Addl. A.G. for the State/Respondent. Heard I.A. No. 01/2021, application for suspension of sentence and grant of bail. 1. The appellant herein has been convicted for an offence under Section 302 of the I.P.C. and sentenced to life imprisonment and fine of Rs.500/- in default additional S.I. of 10 days passed by the learned Sessions Judge, Durg, District - Durg, (C.G.) on 24.02.2021 in Sessions Trial No.15/2019. 2. Learned counsel for the appellant would submit that there is no legally admissible evidence against the appellant to convict him for the the aforesaid offence. It is further submitted that appellant is in jail since 08.11.2018 and it is a case not fall within Section 302 of the I.P.C. but fall under Section 304 Part II of the I.P.C. Therefore, it is prayed that the substantive jail sentence may be suspended and the appellant may be released on bail. 4. Learned State counsel would submit that in view of testimony of Harendra Chaurasiya, (PW-9), Srikant	



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Chourasiya (PW-11) and Ravindra Nath Chourasiya (PW-13), the appellant is not entitled to be released on bail.

5. We have heard learned counsel for the parties, gone through the records and considered their rival submissions on the application of suspension of sentence and grant of bail.

6. Taking into consideration the statements of three eye-witnesses namely Harendra Chaurasiya, (PW-9), Srikant Chourasiya (PW-11) and Ravindra Nath Chourasiya (PW-13), we do not find it to be a fit case for suspension of sentence and grant of bail.

7. Accordingly, I.A. No.1/2021, application for suspension of sentence and grant of bail is rejected.

8. List accordingly.

Sd/-

(Sanjay K. Agrawal)
Judge

Sd/-

(Arvind Singh Chandel)
Judge