

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.928 of 2018

Ram Lal Yadav **Versus** State of Chhattisgarh

CRA 931/2018

03/12/2019	Shri Rakesh Kumar Jha and Shri Rahul Agrawal, counsels for the respective appellants. Shri Neeraj Mehta, PL for the State. Heard on IA Nos.1/2019 and 1/2018, applications for suspension of sentence and grant of bail. The accused persons allegedly committed gang rape and thereafter inserted wooden stick in the private part of the deceased and then committed her murder. Their act is definitely not only cruel but it also amounts to perversity. However, the evidence brought on record is very sketchy and it is difficult to conclude that it will eventually complete the chain of circumstantial evidence. PW-2 Sukhdev Ram and PW-4 Jagatram are the witnesses to last seen together, however, upon reading of their entire statement together with their case diary statement, it is not clear that they had seen the deceased in the company of the appellants at any point of time. They had only seen the deceased near the vicinity of the place where the dead body was found. The vicinity is not few feet or meters but it is about one km. PW-5 Ratiyano Bai is a witness of extra judicial confession, but her case diary statement was recorded after 2 months and 10 days of the incident. Considering the evidence, we are inclined to suspend the sentence and release the appellants on bail. Accordingly, IA Nos.1/2019 and 1/2018 are allowed.

Execution of substantive jail sentence imposed upon the appellants shall remain suspended during the pendency of these appeals and they are directed to be released on bail provided each of them furnish a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on 03.02.2020 and thereafter they shall continue to appear before the trial Court on all such subsequent dates as are given to them by the said Court, till the disposal of these appeals.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Nirala