

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1115 of 2024

Sheikh Aadil S/o Late Sheikh Bablu Musalman Aged About 19 Years
R/o Kashmiripara, Dongargarh, P.S. Dongargarh, District- Rajnandgaon,
Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh,
District- Rajnandgaon, Chhattisgarh.

---- Respondent

23.07.2024	Heard Mrs. Itu Rani Mukherjee, learned counsel for the Appellant and Mr. Tarkeshwar Nande, P.L for the State/ Respondent on the instant application for suspension and grant of bail (I.A. No. 01/2024) By the impugned judgment of conviction and order of sentence dated 20.05.2024, passed by Learned Upper Sessions Judge, Dongargarh, District Rajnandgaon (C.G) in Sessions trial No. 18/2022, whereby the appellant has been convicted and sentenced as under:

<u>Conviction</u>	<u>Sentences</u>
Under Section 307 of IPC	Sentenced to R.I. for 5 year and payment of fine amount of Rs. 1,000/- in default of fine amount additional S.I. for 1 month.
Under Section (1-b) (b) of Arms Act	Sentenced to R.I. for 3 year & payment of fine amount of Rupees Rs. 500/- in default of fine amount additional S.I. for 15 days.

Learned Counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in connection with the alleged crime. It is submitted that appellant is very poor person and is the sole bread earner of his family. It is further contended that the appeal will take some considerable time for its conclusion. Hence, the appellants have filed the instant application for suspension of sentence and grant of bail.

Learned State Counsel would oppose the prayer made by the learned counsel for the appellant.

I have heard learned counsel for the parties and perused the records of the Court below.

Considering the material available on record and particularly the statement of Doctor (PW2) it transpires that that there was a scratch wound in his stomach and his small intestine was coming out. On the ileum of the small intestine of the victim the first injury was 15 cm from ileocecal junction at a distance of 1 X 1 cm. The

second injury was 20 cm from the ileocecal junction at a distance of 1.5 X 1.5 cm. A hole of 1 X 1 cm was found adjacent to it and the fourth hole was of 1.1 X 0.5 cm. Considering the above severe injuries, this Court finds it appropriate to reject the application for suspension of sentence and grant of bail, at this stage.

Accordingly, I.A. No. 01/2024 is rejected.

List this case for final hearing in its due course.

Sd/-

(Arvind Kumar Verma)

Judge