



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1016 of 2022

1. Tabarak Ali S/o Gaffar Ali Aged About 27 Years R/o Subhash Market, Behind Om Lodge, Khursipar, Police Staton Khursipar, District : Durg, Chhattisgarh
2. Smt. Fatima Begum W/o Gaffar Ali Aged About 42 Years R/o Subhash Market, Behind Om Lodge, Khursipar, Police Station Khursipar, District : Durg, Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar, District : Durg, Chhattisgarh

---- Respondent

(Cause-title taken from Case Information System)

20/07/2023	By the impugned judgment of conviction and order of sentence dated 04.06.2022, the 8th Additional District Judge Durg, Chhattisgarh in Case No. 161 of 2019 and Crime No. 74 of 2019 at Police Station Khursipar, District - Durg has convicted and sentenced the appellants in the following manner : <table border="1"> <thead> <tr> <th>CONVICTION U/s</th><th>SENTENCE</th></tr> </thead> <tbody> <tr> <td>302/34 of IPC</td><td>Life imprisonment and fine of Rs.500/-, in default of fine R.I. for 1 year.</td></tr> </tbody> </table> No one appeared on behalf of the complainant to object the bail application. Heard Mr. Rishi Rahul Soni, learned counsel for the appellants and Mr. Wasim Miyan, learned Panel Lawyer appearing for the	CONVICTION U/s	SENTENCE	302/34 of IPC	Life imprisonment and fine of Rs.500/-, in default of fine R.I. for 1 year.
CONVICTION U/s	SENTENCE				
302/34 of IPC	Life imprisonment and fine of Rs.500/-, in default of fine R.I. for 1 year.				



State/respondent on the instant application for suspension of sentence and grant of bail (I.A. No.01 of 2022).

Learned counsel for the appellants has argued that the appellant No. 1 is the husband whereas the appellant No. 2 is the mother-in-law of the deceased. There appears to be dying declaration of the deceased which was recorded by the Doctor, a copy of the same annexed on paper-book page No. 232 shows that it was the appellant No. 1 who has set ablaze the deceased by pouring petrol on her and it appears to be no involvement of the appellant No. 2 in the said dying declaration, whereas another dying declaration which was recorded in a format form on the page No. 258, the deceased has levelled allegation against her husband who is responsible for death along with her mother-in-law (appellant No. 2) which was recorded at Government District Hospital, Durg by another Doctor and the deceased has died. It is argued that so far as the appellant No. 2 is concerned, her involvement in the present case appears to be doubtful one as it appears from the dying declaration which has been recorded at District Hospital, Durg. He contended that the appellants are in jail since 13.03.2019 and the appeals are likely to take some time for its conclusion, hence the appellants have filed the aforesaid applications for suspension of sentence and grant of bail.

On the other hand, learned Government Advocate, appearing for the State/respondent opposed the prayer for grant of bail.

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



Considering the material available on record and particularly looking to the dying declaration of the deceased, at this stage, we deem it appropriate to **reject** the application for suspension of sentence and grant of bail filed on behalf of the appellant No. 1 – **Tabarak Ali**. However, considering the material available on record against the appellant No. 2, we deem it appropriate to **allow** the application for suspension of sentence and grant of bail filed on behalf of the appellant No. 2 - **Smt. Fatima Begum**.

Accordingly, IA No. 1 of 2022 is disposed of.

It is made clear that the observations made hereinabove are only confined for disposal of aforesaid IA filed in this appeal and it shall not be construed as an expression of opinion of this Court on the merits of the matter.

List this matter for final hearing.

C.C. as per rules.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice