

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 1014 of 2019**

1. Kumari Fulo Yadav D/o Late Somaru Yadav, aged about 33 Years, R/o Village Massu Kokoda, Police Station Pharsagaon, District Kondagaon Chhattisgarh.
2. Ranjeet Upendi S/o Chherka Ram Upendi, aged about 28 Years, R/o Village Koliyari, Police Station Korar, District Kanker Chhattisgarh.
3. Smt. Pawan Bai W/o Halal Ram Yadav, aged about 38 Years, R/o Village Koliyari, Police Station Korar, District Kanker Chhattisgarh.

**----Appellants****Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Pharsagaon, District Kondagaon Chhattisgarh.

**---- Respondent**

| 20/08/2019                                                                   | <p>Shri F.S. Khare, counsel for the appellants.</p> <p>Shri Pawan Kesharwani, P.L. for the State.</p> <p>Heard on I.A. No.1/19, application for suspension of sentence and grant of bail to the appellants.</p> <p>By the impugned judgment dated 13.05.2019 passed by Sessions Judge Kondagaon, C.G. in Sessions Trial No.07/17, the appellants stand convicted and sentenced as under:</p> <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 302 and 449 of IPC (for appellants Fulo Yadav and Pawan Bai)</td><td>R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count.</td></tr><tr><td>Under Sections 120-B read with 302/34 and 449 of IPC (for Appellant Ranjeet)</td><td>R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count.</td></tr></table> | Conviction | Sentence | Under Section 302 and 449 of IPC (for appellants Fulo Yadav and Pawan Bai) | R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count. | Under Sections 120-B read with 302/34 and 449 of IPC (for Appellant Ranjeet) | R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count. |  |
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| Conviction                                                                   | Sentence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |          |                                                                            |                                                                                                                     |                                                                              |                                                                                                                     |  |
| Under Section 302 and 449 of IPC (for appellants Fulo Yadav and Pawan Bai)   | R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |          |                                                                            |                                                                                                                     |                                                                              |                                                                                                                     |  |
| Under Sections 120-B read with 302/34 and 449 of IPC (for Appellant Ranjeet) | R.I. for life imprisonment and fine of Rs.200/-, in default of fine additional R.I. for three months on each count.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |            |          |                                                                            |                                                                                                                     |                                                                              |                                                                                                                     |  |

The appellants were sent for trial for committing murder of deceased Krishna Yadav at about 10:30 pm on 29.09.2016. It is alleged that present accused persons along with Juvenile **(F)** conspired to commit murder and in execution of the said conspiracy Juvenile **(F)** assaulted the deceased by means of an axe. At that time, accused Ranjeet Upendi was throwing torchlight while two other appellants namely Kumari Fulo Yadav and Smt. Pawan Bai were not present on the spot but they had hatched the conspiracy.

Considering the fact that the actual assault has been committed by Juvenile **(F)** and not by any of the present appellants, we are inclined to suspend the sentence and grant bail to the appellants.

Accordingly, the application (I.A. Nos.1/19) is allowed.

It is directed that the execution of substantive jail sentence imposed upon appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court. They shall appear before the Trial Court on **15<sup>th</sup> October, 2019** and thereafter continue to appear there on all such dates as are given to them by the said Court till disposal of this appeal.

Sd/-  
Prashant Kumar Mishra  
Judge

Sd/-  
Gautam Chourdiya  
Judge