



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 982 of 2025

1 - Harish Sinha S/o Heeralal Sinha Aged About 19 Years R/o Civil Line
Gariyaband P.S. And District - Gariyaband (C.G.)

--- appellant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Mainpur
District - Gariyaband (C.G.)

--- Respondent(s)

CRA No. 1071 of 2025

1 - Deviram Alias Devisingh Pandey S/o. Arjun Pandey Aged About 18 Years
Aged About - 18 Years, 7 Months, R/o. Begarpal, Police Station- Mainpur,
District - Gariyaband (C.G.)

--- appellants(s)

Versus

1 - State Of Chhattisgarh Through Officer-In-Charge, Police Station- Mainpur,
District - Gariyaband (C.G.)

--- Respondent(s)

Order on Board

09/10/2025	Mr. Rekhraj Baghel and Mr. Kripesh G. Kela, learned counsel for the respective appellants. Mr. Vivek Sharma, Panel Lawyer for the Respondent/ State. Heard on I.A. No. 01/2025 in both the appeals which is application for suspension of sentence and grant of bail. By the impugned judgment of conviction and sentence dated 26.04.2025 passed in Sessions Trial No. 06/2023 by the court of learned Additional Sessions Judge, Gariyaband (C.G.), the appellants Deviram Alias Devisingh Pande has been convicted and sentenced as under:- <table><tr><th>S. No.</th><th>Conviction</th><th>Sentence</th></tr><tr><td>1.</td><td>U/s 394, 397 read with 34 of IPC</td><td>R.I. for 10 years with fine of Rs. 3000/- in default of payment of fine amount, further R.I. for 03 months.</td></tr><tr><td>2.</td><td>U/s 25 (1 B) (b) of Arms Act.</td><td>R.I. for 02 years with fine of Rs. 2000/- in default of payment of fine amount, further R.I. for 03 months.</td></tr><tr><td colspan="3">All sentences to be run concurrently</td></tr></table> And the appellants Harish Sinha has been convicted and sentenced as under:-	S. No.	Conviction	Sentence	1.	U/s 394, 397 read with 34 of IPC	R.I. for 10 years with fine of Rs. 3000/- in default of payment of fine amount, further R.I. for 03 months.	2.	U/s 25 (1 B) (b) of Arms Act.	R.I. for 02 years with fine of Rs. 2000/- in default of payment of fine amount, further R.I. for 03 months.	All sentences to be run concurrently		
S. No.	Conviction	Sentence											
1.	U/s 394, 397 read with 34 of IPC	R.I. for 10 years with fine of Rs. 3000/- in default of payment of fine amount, further R.I. for 03 months.											
2.	U/s 25 (1 B) (b) of Arms Act.	R.I. for 02 years with fine of Rs. 2000/- in default of payment of fine amount, further R.I. for 03 months.											
All sentences to be run concurrently													

S. No.	Conviction	Sentence
1.	U/s 394, 397 read with 34 of IPC	R.I. for 10 years with fine of Rs. 3000/- in default of payment of fine amount, further R.I. for 03 months.
2.	U/s 27 (1) of Arms Act.	R.I. for 03 years with fine of Rs. 2000/- in default of payment of fine amount, further R.I. for 03 months. All sentences to be run concurrently

Learned counsel for the respective appellants would submit that the appellants have not been named in the FIR and even the complainant (PW/3) has not named the appellants in his evidence. The witnesses to the test identification parade have not supported the prosecutions case. There is no incriminating articles seized from the appellants. There are material omission and contradictions in the evidence of the prosecutions witnesses, the evidence of the complainant is not supported by other witnesses. The appellants are in jail since more than 03 years and final adjudication of the case will take its own time, therefore, they may be enlarged on bail.

On the other hand, the learned counsel for the State opposes and have submitted that the accused persons have duly been identified by the complainant (PW/3) and he has duly proved the test identification parade (Ex-P/9) in his evidence. From the appellant Devi Ram @ Devi Singh, Rs. 500/- and a knife and from the appellant Harish one mobile phone and one air-gun has been seized which has also been proved by the witnesses. The complainant was being assaulted by the accused persons and the doctor (PW/12) has duly proved the injuries

found in his body by used of the knife which is a deadly weapon and therefore, the appellants are not entitled for bail.

I have heard learned counsel for the parties and perused the record of the trial Court.

Considering the submission made by learned counsel for the parties, considering the nature of allegation and the manner in which the offence is committed, the injury report of the complainant and also that they have been duly identified by the complainant, I am not inclined to release the appellants on bail.

The I.A. No. 01 of 2025 in both the appeals are **Rejected**.

List this case for final hearing after 08 weeks.

Sd/-

(Ravindra Kumar Agrawal)

Judge