

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1218 of 2016

- Nishamani S/o Nauki Bariha, aged about 40 years, R/o. Village Thakurpali, Police Station: Basna, District- Mahasamund (C.G.)

.....Appellant

Versus

- State of Chhattisgarh , Police Station- Basna, District- Mahasamund (C.G.).

....Respondent

AND

CRA No. 1341 of 2016

- Niranjan S/o Ram Singh Seth, aged about 36 years, resident of Village- Thakurpali, Police Station- Basna, District- Mahasamund (C.G.).

.....Appellant

Versus

- State of Chhattisgarh , Police Station- Basna, District- Mahasamund (C.G.).

....Respondent

15/11/2017	Mr. Pushpendra Kumar Patel and Mr. Vikas Pradhan, Advocates for the respective Appellants. Mr. Vivek Sharma, Govt. Advocate for the State. Heard on I.A. No. 2/2016 filed in CRA No. 1218/2016 and I.A. No. 01/2017 filed in CRA No. 1341, applications for suspension of sentence and grant of bail to the Appellants. By the impugned judgment dated 05/07/2016 passed by the Additional Sessions Judge, Saraipali, District- Mahasamund (C.G.) in ST No. 12/2016, the Appellants stand convicted under Sections 302/34 and 201 of IPC and sentenced to undergo life imprisonment with fine of Rs. 2000/- and R.I. For 5 years with fine of Rs. 2000/-, respectively with default stipulations. Learned Counsel for the Appellants submit that there is no eye-witness account to the incident and the Appellants have been convicted solely on the basis of weak circumstantial evidence. It is argued that the so called witness of extra-judicial confession Jamuna Bai (PW4) is not reliable and likewise the witnesses of last-seen, Sukmani (PW2) and Jairam Naik (PW27) are also not reliable. It is also argued that as per unexhibited

FSL report, blood stains have been found on certain articles, but there is no serological report. They pray for release of the Appellants.

Counsel for the State opposes the bail applications.

We have heard counsel for the parties.

Considering the nature of evidence adduced by the prosecution, without further commenting on merits of the case, we are inclined to release the appellants on bail.

Accordingly, their bail applications are allowed.

It is directed that the jail sentence imposed upon the Appellants shall remain suspended during the pendency of these appeals and they shall be released on bail on each of them furnishing personal bond in the sum of Rs. 100,000/- with one surety in the like sum to the satisfaction of the trial Court. The Appellants need not give any appearance until and unless otherwise directed.

List these cases for final hearing in due course.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(Arvind Singh Chandel)
Judge