

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1101 of 2018**

1. Panchvati Yadav, W/o Raychand Sona, Aged About 50 Years, R/o Kaalinagar Police Chouki Ke Paas, Thana Civil Line, Raipur, District : Raipur, Chhattisgarh
2. Ajay Verma @ Chhotu, S/o Bhupsingh Verma, Aged About 23 Years,
3. Jagannath Yadav @ Jagdev @ Molu, S/o Shri Kiritram Yadav, Raychand Sona, Aged About 21 Years,

Both R/o Kesla, Palari, District – Balodabazar, Chhattisgarh

---- Appellants**Versus**

- State Of Chhattisgarh, Through Police Station Vidhansabha, District : Raipur, Chhattisgarh

---- Respondent

27/03/2019	Shri Vikas Pandey, Counsel for the Appellants. Shri Subhash Yadav, Dy. G.A. for the State. Heard on I.A.No.01/18, application for suspension of sentence and grant of bail. The appellants have been convicted under the impugned judgment of conviction and order of sentence dated 15.06.2018 passed by Eighth Additional Sessions Judge, Raipur, District – Raipur, (CG), in Session Trial No.150/2017. Learned counsel for the appellants would argue that only on suspicion and without there being any proof of conspiracy, appellants have been convicted. It is further argued that so far as last seen evidence of (PW-7) and (PW-8) are concerned, the evidence of these witnesses shows that they are concocted witnesses. The clothes of the appellants could not be found to be stained with human blood much less that of the group or the origin	

of the deceased.

On the other hand, learned State counsel opposing the bail application would submit that the prosecution case rests only on the story of conspiracy, which was not only hatched by appellants but also executed by them. The appellant No. 2 and 3 were consuming liquor and took the deceased away and murdered him. He would next argue that PW-6 and PW-8 have stated that the deceased was last seen with the appellants 2 and 3.

Having considered the submission of learned counsel for the parties, and taking into consideration that the prosecution story is mainly based on the last seen evidence of that PW-6, which appears to be the Panchnama witness and whose statement was not taken by police during investigation, and that the clothes of the appellants are not found to be stained with human blood, we are inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, IA No.1/18 is allowed. The substantive jail sentence awarded to the appellants are suspended and the appellants are directed to be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each along with two local sureties for the like amount to the satisfaction of the concerned Trial Court for their appearance before it on **20.05.2019** and continue to appear on all other subsequent dates as may be given to them by the trial Court, interval being not less than 6 months, during the pendency of this appeal.

List this case for final hearing in due course.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge