

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1088 of 2019

- Avinash Tiwari S/o Yogesh Tiwari Aged About 28 Years R/o Village Kishanpur Police Station Pithoura, District Mahasamund Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh

---- Respondent

25/11/2019	Mr. Gurudev Sharan, Counsel for the appellant. Mr. Pawan Kesharwani, Panel Lawyer for the State. Heard on IA No.1, an application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted under Sections 302 and 392 of IPC and sentenced to undergo imprisonment for life and to pay fine of Rs.500/- and RI for 7 years and to pay fine of Rs.500/- respectively with usual default stipulations. The appellant has allegedly committed murder of deceased Raju Singh at about 1:30 a.m. during the intervening night of 9th and 10th November 2016. The appellant and the deceased were working in a country liquor shop. The appellant is stated to be in need of money, therefore, he committed loot of Rs.65,000/- and committed murder of Raju Singh (deceased). However, he did not run away but immediately rushed to another liquor shop to inform PW-3 Pramod Kumar Singh and PW-4 Jitendra Vishwakarma, that few miscreants have committed murder and loot. The case of the prosecution is based on memorandum statement and

Shyna	consequent seizure of Rs.65,000/- and iron patta, which was used for committing murder. Considering the quality of evidence, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail. The application is allowed. Execution of the sentence imposed on the appellant shall remain suspended and he is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 20th of January 2020. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal. Certified copy as per rules. Sd/- (Prashant Kumar Mishra) Judge Sd/- (Gautam Chourdiya) Judge
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