

HIGH COURT OF CHHATTISGARH, BILASPURCRA No. 1099 of 2019

1. Ramvishwas Sidar S/o Bhimal Sai Aged About 18 Years R/o Village - Joradol, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Respondent

13/01/2020	Heard Shri Sanjeev Kumar Shau, Adv. for the appellant and Shri Ashish Gupta, PL for the State. <u>I.A. No.1</u> This is an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 5-7-2019 passed by the Additional Judge to the Court of Additional Sessions Judge, Kunkuri, District Jashpur, in ST No.47/2018 the appellant has been convicted under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life with default stipulations. The deceased was strangled by means of <i>chunri</i> on 18-8-2018. The confessional merg statement was lodged by the appellant himself, however, confession made in this document is not admissible in evidence in view of	

Section 25 of the Evidence Act. One Dev Kumar referred in the merg intimation as the person who has seen the deceased creating a scene and following the appellant has not been examined. The DNA report (Ex.P/29) to ascertain that the appellant was the biological father of the fetus recovered from the womb of the deceased is negative. Thus, except for recovery of dead body at the instance of the appellant, as the same was disclosed in the merg intimation, there is no other evidence against the appellant.

Thus, considering the entire material available on record, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail.

Accordingly, the application (I.A.No.1) 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 3rd April 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

Gowri