

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1140 of 2019

- Ben Singh @ Pappu S/o Shri Phoolchandra Gond Aged About 19 Years R/o Village - Lakhantola, Police Station Janakpur, District Korla, Civil And Revenue District Korla Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Janakpur, District Korla Chhattisgarh

---- Respondent

14.10.2019	Mr. MK Sinha, Counsel for the appellant. Mr. Aditya Sharma, 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 Section 302 of IPC and sentenced to undergo RI for life and to pay a fine of Rs.2000/-, in default of payment of fine to undergo SI for 6 months. The appellant has been convicted for committing murder of deceased Ram Bai. There is no eye-witness to the crime. The case of the prosecution is based on circumstantial evidence of last seen together and recovery of weapon pursuant to the disclosure statement. However, PW-3 Ramkumar, a witness to the last seen, has not stated that he had seen the deceased in the company of the appellant prior to her death. He would only say that he had seen the appellant coming from the same direction to which the deceased had gone about half an hour back. PW-3 Ramkumar is also a witness to the memorandum statement-Ex.P/6 and seizure of axe vide Ex.P/7. However, the recovery

Shyna	was made from an open place. The other witness to Ex.P/6 and Ex.P/7 namely PW-6 Matiraj Singh has not supported the prosecution. Considering the quality of evidence, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail. Accordingly, 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 16th of December 2019. 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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