

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.1152 of 2019

Pushnath Bargah **Versus** State of Chhattisgarh

03/12/2019	Shri Pushkar Sinha, counsel for the appellant. Shri R. S. Baghel, Dy. AG for the State. Heard on IA No.1/2019, application for suspension of sentence and grant of bail. Appellant Pushnath along with juvenile Philip were returning from village mela. Philip committed sexual intercourse and thereafter the present appellant committed murder of deceased Phuleshwari. In his case diary statement (Ex-P-9), PW-3 Dhaneshwar has projected himself to be an eye witness when the appellant was molesting the deceased by embracing her, but this witness has turned hostile. His statement to the effect that the appellant and the deceased were together returning on one bicycle is the only evidence against the appellant. Considering the quality of evidence, we are inclined to suspend the sentence and release the appellant on bail. Accordingly, IA No.1/2019 is allowed. Execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he is directed to be released on bail provided he furnishes a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance

before the Registry of this Court on 03.02.2020 and thereafter he shall continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Nirala