

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. A. No. 1528 of 2023

1. Digeshwar Sahu S/o Shri Biseshwar Sahu Aged About 28 Years.
2. Smt. Chandar Bai Sahu W/o Shri Biseshwar Sahu Aged About 47 Years.
3. Biseshwar Sahu S/o Late Shri Heeralal Sahu Aged About 50 Years.

All are R/o Village - Gotitola, Thana - Charama, District - North Baster Kanker (C.G.).

---- Appellants**Versus**

State of Chhattisgarh Through The District Magistrate Kanker, Distt.- North Baster Kanker (C.G.).

---- Respondent

22/08/2023	Mr. Sunil Sahu, Advocate for the Appellants. Mr. Ankur Kashyap, PL for the respondent-State. Heard on I.A. No.1, an application for suspension of sentence and grant of bail to the appellants, during pendency of this appeal. After arguing at length, learned counsel for the appellants seeks permission of this Court to withdraw this application with regard to appellant No.1/Digeshwar Sahu (Husband of the deceased). In view of above, application with regard to appellant No.1 is dismissed as withdrawn.

By the impugned judgment, appellants stand convicted and sentenced under Sections 498-A/34, 344/3 & 307/34 of IPC.

Learned counsel for the appellants submits that appellants have been falsely implicated in this case, they have not committed any offence as alleged against them. Trial Court convicted the appellants without there being any sufficient evidence/material available on record. The main allegation is against husband of deceased ie appellant No.1. There are many contradictions and omissions in the statements of prosecution witnesses, further independent witnesses have been turned hostile and have not supported the case of prosecution. Marriage of Smt. Kiran Sahu (deceased) was solemnized with appellant No.1 in the year 2013 and from the wedlock they are having two children aged about 4 years and 2 years. After arrest of these appellants, no one left in the family to take care of the children. During trial, appellant No.2 & 3 were on bail and they never misused liberty granted to them earlier. Appeal may take time for final hearing. Hence, looking to the detention period and age of appellant Nos.2 & 3, sentence awarded to them be suspended and they may be enlarged on bail.

Learned State Counsel opposing submission of counsel for appellant, would submit that as per evidence/material available on record, appellants are not entitled for grant of bail.

Heard counsel for the respective parties, perused statements of

witnesses and other materials available on record.

Considering facts of the case, submissions of counsel for the respective parties, statements of witnesses, other evidence/material available on record, further the fact that main allegation is against appellant No.1 (husband of deceased) and appellant Nos.2 and 3 are mother-in-law and father-in-law of deceased, during trial appellants were on bail and they never misused the liberty granted to them, age and detention period of appellants, appeal may take time for final hearing, I am inclined to allow the application for suspension of sentence and grant of bail to appellant Nos.2 and 3.

Accordingly, I.A. No.1, application for suspension of sentence and grant of bail is allowed with respect to appellant Nos.2 & 3 only. It is directed that execution of substantive jail sentence imposed upon appellants No.2 and 3 (Smt. Chandar Bai Sahu & Biseshwar Sahu) shall remain suspended and they be released on bail on their executing a personal bond in a sum Rs.25,000/- each with one surety for the like sum to the satisfaction of the Trial Court for their appearance before the Registry of this Court on **07th November 2023**.

CC as per rules.

Sd/-
(Arvind Singh Chandel)
Judge