

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

07/03/2024	Mr. Shreyansh Pathak, Advocate for the Appellants. Mr. Khulesh Sahu, PL for the respondent-State. Heard on I.A. No.2, second application for suspension of sentence and grant of bail to appellant No.1/Digeshwar Sahu, during pendency of this appeal. Earlier suspension application (IA No.1) has been filed on behalf of all the appellants, whereby appellant Nos.2 & 3 who are mother-in-law & father-in-law of victim has been granted bail by this Court vide order dated 22.08.2023, however, application with regard to appellant No.1 (husband of victim) was dismissed as withdrawn.

By the impugned judgment, appellant No.1 stands convicted and sentenced under Sections 498-A/34, 344/3 & 307/34 of IPC.

Learned counsel for the appellant submits that appellant No.1/Digeshwar Sahu has been falsely implicated in this case, he has not committed any offence as alleged against him. Trial Court has wrongly convicted him without there being any sufficient evidence/material available on record. There is no conclusive evidence placed on record on basis of which, appellant No.1 can be convicted. During trial, appellant No.1 was on bail and he never misused liberty granted to him earlier. Appellant is in jail since 25.07.2023 and appeal may take time for final hearing. In the same set of allegations, appellant Nos.2 & 3 (co-accused) has already been granted bail by this Court vide order dated 22.08.2023. Since the case of appellant No.1 is also similar to the co-accused, sentence awarded to him be suspended and he may also be enlarged on bail.

Learned State Counsel opposing submission of learned counsel for appellant, would submit that appellant Nos.2 & 3 (co-accused) has been granted bail by this Court on the ground that they are the mother in law & father in law of victim and they are not the main accused in this case. Appellant No.1 is husband of victim (PW/5) and he is the main accused in this case. Looking to the statements of victim and her father as well as Dr. Anil Kumar (PW-5, PW-6 & PW-7) and other evidence/material available on record, trial Court has rightly convicted appellant No.1.

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 PW-5/victim and her father PW-5/complainant as well as PW/7 Dr. Anil Kumar (Medical Officer), other evidence/material available on record, further the fact that main allegation is against appellant No.1, I am not inclined to grant the bail to appellant No.1 at this stage.

Accordingly, I.A. No.2 is hereby rejected.

CC as per rules.

Sd/-
(Arvind Singh Chandel)
Judge