

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 367 of 2017**

Kewal Singh S/o Ram Bharos Gond, Aged About 60 Years R/o Village Dhapnipani,  
Pateratola, Katra, Police Station Marvahi, District Bilaspur, Chhattisgarh.

**---- Appellant****Versus**

State of Chhattisgarh Through Police of Police Station Marvahi, District Bilaspur,  
Chhattisgarh.

**---- Respondent**

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| 18/08/2017 | <p>Mr. Govind Dewangan, Advocate for the appellant.</p> <p>Ms. Madhunisha Singh, Panel Lawyer for the State.</p> <p>Heard on I.A. No. 1 of 2017, application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 03.01.2017 passed by the learned Additional Sessions Judge, Pendraroad, District Bilaspur Chhattisgarh in Sessions Trial No. 23/2016, the appellant stands convicted under Section 302 of the IPC and sentenced to undergo imprisonment for life and to pay fine of Rs. 500/-, in default of payment of fine to further undergo rigorous imprisonment for two months.</p> <p>Counsel for the appellant submits that the appellant has been convicted mainly on the basis of diary statement of Sonkunwar (PW-8). It has been argued that Sonkunwar(PW-8) is</p> |



a complete hostile witness and under no circumstances conviction can be based on her statement and the appeal is likely to take much time for final disposal and therefore, he be released on bail.

On the other hand, learned counsel for the State has opposed the bail application.

Considering the totality of the facts, particularly, the nature of evidence adduced by the prosecution, without further commenting anything on its merits, we are inclined to release the appellant on bail.

Accordingly, the bail application is allowed.

It is directed that the jail sentence imposed upon Appellant shall remain suspended during the pendency of this appeal; and he shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety in like sum to the satisfaction of the trial Court. The appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-

**(Pritinker Diwaker)**  
Judge

Sd/-

**(Ram Prasanna Sharma)**  
Judge