

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

I.A. No. 1 of 2022

In Re:

CRA No. 1301 of 2022

- Rajkumar Nishad S/o Kartik Ram Nishad Aged About 27 Years R/o Damkadih, Police Station Magarlod, District Dhamtari Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shobha, District Gariyaband Chhattisgarh

---- Respondent

(Cause-title taken from Case Information System)

31/07/2023	The appellant has been convicted and sentenced by judgment dated 01.07.2022 passed in S.T. No. 18/2018, by the learned Additional Sessions Judge, Gariyaband, District Gariyaband Chhattisgarh as under: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Offence Under Section</u></th><th style="text-align: left;"><u>Sentence</u></th></tr> </thead> <tbody> <tr> <td>302 of the Indian Penal Code</td><td>: Life imprisonment with fine of Rs. 1000/-. In default, additional 1 year R. I.</td></tr> <tr> <td>201 of Indian Penal Code</td><td>Rigorous imprisonment for 3 years with fine of Rs. 1000/-. In default, additional 2 months R. I.</td></tr> </tbody> </table>	<u>Offence Under Section</u>	<u>Sentence</u>	302 of the Indian Penal Code	: Life imprisonment with fine of Rs. 1000/-. In default, additional 1 year R. I.	201 of Indian Penal Code	Rigorous imprisonment for 3 years with fine of Rs. 1000/-. In default, additional 2 months R. I.
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Both the sentences were ordered to run concurrently.

Heard Ms. Nirupma Bajpai, learned counsel for the appellant. Also heard Mr. H. S. Ahluwalia, learned Deputy Advocate General, appearing for the State/respondent.

Learned counsel for the convict/appellant has argued that the appellant has been falsely implicated in the present case. The appellant is alleged to have committed murder of his wife namely Santoshi Bai with hand and fist and her unconscious daughter namely- Paridhi Nishad and buried their dead bodies near the river. Ms. Bajpai submits that the appellant is the husband and father of the deceased persons -Santoshi Bai Nishad and Paridhi Nishad respectively and the prosecution has failed to prove the motive of the appellant to kill her wife and daughter. She also submits that the appellant has been convicted only on the basis of circumstantial evidence but the chain of circumstantial evidence is incomplete. She lastly argued that the appellant is in jail since 17.12.2017 and the appeal is likely to take a couple of years or even more for its final disposal, hence he prays that the appellants be enlarged on bail.

The learned counsel for the State/respondent has objected the bail application and submits that the appellant has brutally assaulted his wife and daughter and tried to destroy the evidence and buried their dead body near the river. He also submits that though the prosecution

case is based on circumstantial evidence but the chain of circumstances are fully linked and completed with each other. Therefore, The learned Trial Court, after appreciating the evidence on record and after examining the cross-examination of the witnesses, came to the conclusion regarding guilty of the accused, which is just and proper.

We have heard learned counsel for the parties and perused the records of the Court below.

Considering the facts and circumstances of the case, particularly considering the fact that the appellant has very brutally assaulted his wife and daughter and thereafter buried their dead bodies near the river, at this stage, we deem it appropriate to reject the application for suspension of sentence and grant of bail at this stage.

Accordingly, IA No. 1 of 2022 stands disposed of.

It transpires from the record that the matter is ripe for final hearing.

Let the matters be listed for final hearing.

**Sd/-
(Rajani Dubey)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**