

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 850 of 2015**

- Champabai Amila, W/o Chabiram Amila, Aged About 40 Years, R/O Village Mode, Thana Korar, Distt. Kanker

---- Appellant**Versus**

- The State of Chhattisgarh, Through: Police Station Korar, Distt. Kanker

---- Respondent

14.10.2015	Shri Parag Kotecha, counsel for the appellant. Shri Vivek Sharma, GA for the State. Heard on IA-1 of 2015, application for suspension of sentence and grant of bail to the appellant. The appellant stands convicted under Section 302 of the IPC in connection with Crime No. 159 of 2014, registered at Police Station Kanker and sentenced to undergo life imprisonment & to pay fine of Rs.3,000/-, in default of payment of fine, to undergo further RI for one year, vide impugned judgment dated 08.06.2015 passed by the Sessions Judge, Kanker, in Sessions Trial No.10 of 2015. Counsel for the appellant submits that the sole eyewitness to the incident Hirendra (PW-9) has not supported the prosecution case and has been declared hostile. He further submits that the only piece of evidence against the accused/appellant is so called extra judicial	
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confession made before Prakash Auvrasa (PW-8), but even this evidence is not conclusive. Likewise, the evidence of last seen is also not very reliable.

On the other hand, State counsel opposed the bail application.

We have heard the parties and perused the judgment impugned and record of the Court below.

Considering the totality of the case, in particular, the nature of evidence adduced by the prosecution against the appellant, without further commenting on merits, we are inclined to release the appellant on bail.

Accordingly, I.A. No.1 of 2015 is allowed and it is directed that execution of the jail sentence awarded to appellant- **Champabai Amila, W/o late Chabiram Amila** by the trial Court shall remain suspended and she shall be released on bail on her furnishing personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the trial Court. Appellant is exempted from giving personal appearance unless otherwise directed.

Certified copy as per rules.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(I.S. Uboweja)
Judge