

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.956 of 2015

Shiva @ Shiv Kumar Sahu, S/o. Sukhram Sahu, Aged about 27 years,
R/o. Pairi, Post Arjuni, Police Station Dongargarh, District Rajnandgaon
(CG)

---- Appellant

Versus

State Of Chhattisgarh Through Police Station AJAK Thana Dantewada,
District Dantewada Chhattisgarh

---- Respondent

04.12.2015	Shri PR Patankar, counsel for the appellant. Shri Vaibhav Goverdhan, Panel Lawyer for the State. Heard on IA No.01, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 29.6.2015 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Additional Sessions Judge, South Bastar at Dantewada in Special Session Case No.15/2013, the accused appellant stand convicted under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay fine of Rs.1000/- with default stipulations. Counsel for the appellant submits that call details of the appellant have not been proved by the prosecution as per requirement of the law. As per the statement of landlord Babulal Chaturvedi (PW-9), he saw the accused appellant going towards the house of the deceased 1-2 days prior to the incident and this is not an incriminating evidence against the appellant. He further submits that seizure of the diary of the deceased from the possession of the appellant has not been	

	proved by the prosecution as per the requirement of the law and even assuming that the diary was with the appellant, it will not connect the appellant with the murder of the deceased. On the other hand, counsel for the State opposed the bail application. We have heard counsel for the parties. Considering totality of the case, in particular 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.10,000/- 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. List the matter for final hearing in due course. Sd/- (Pritinker Diwaker) JUDGE Sd/- (Chandra Bhushan Bajpai) JUDGE	
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