

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 973 of 2015

1. Sukal Bai W/O Sarju Patel Aged About 52 Years R/O Village Saigona, P.S. Kawardha, District Kabirdham Chhattisgarh
2. Urmila Bai W/O Late Jhaduram Patel Aged About 37 Years R/O Village Saigona, P.S. Kawardha, District Kabirdham Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Police Station Kawardha, District Kabirdham Chhattisgarh

---- Respondent

26/10/2015	Shri Rakesh Pandey, Advocate for the appellants. Shri Adil Minhaj, Panel Lawyer for the State. Heard on I.A.No.1/2015, application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 13.7.2015 passed by the Sessions Judge, Kabirdham (Kawardha) Chhattisgarh in S.T.No.1/2015, the accused/appellants stand convicted under Sections 302 and 201 IPC and sentenced to undergo imprisonment for life and imprisonment for 7 years with a direction to run the sentences concurrently. Learned counsel for the appellants submits that the appellants have been convicted solely on the basis of circumstantial evidence, but the nature of circumstantial evidence is not as such which can be made the basis for convicting the appellants. He submits that the very improbable story has been put forth by the prosecution wherein it is alleged that accused/appellant No.1- Sukal Bai has committed murder of his own son, whereas, appellant No.2- Urmila Bai has killed her husband. It has been further argued that the dead body has been found on the roof of the house, which is accessible to anyone and there were other tenants also. Lastly, it has been	

argued that both the appellants are ladies; their detention in jail will adversely affect their life.

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

Considering the totality of the case in particular the nature of evidence, without commenting on merit, we are of the opinion that present is a fit case to suspend the jail sentences imposed upon the appellants.

Accordingly, I.A.No.1/2015 is allowed.

It is directed that the substantive jail sentences imposed upon the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety each in like sum to the satisfaction of the trial Court. The appellants need not give appearance anywhere until and unless otherwise directed.

Sd/

(Pritinker Diwaker)
Judge

Sd/

(Chandra Bhushan Bajpai)
Judge