

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1306 of 2014

- Gopal Singh Gandharv @ Jonu S/o Bholaram Aged About 22 Years
R/o Village-Atadda, Chowki-Belgahna, Civil & Revenue Distirct -
Bilapsur C.G.

---- Appellant (In Jail)

Versus

- State of Chhattisgarh S/o Through- The Station House Officer,
Police Station - Kota, District Bilaspur C.G.

---- Respondent

11		
29.09.2015	Shri Bharat Rajput, counsel for the appellant. Shri Chandresh Shrivastava, PL for the State. Heard on IA-1 of 2015, application for suspension of sentence and grant of bail to the appellant and the objection filed by the State. Present appellant stands convicted under Sections 302, 120 (B) and 201 of the IPC in connection with Crime No.42 of 2014, registered at Police Station Kota and sentenced to undergo life imprisonment & to pay fine of Rs.500/-, in default of payment of fine, to undergo further RI for three months; life imprisonment & to pay fine of Rs.500/-, in	

default of payment of fine, to undergo further RI for three months; RI for three years & to pay fine of Rs.500/-, in default of payment of fine, to undergo further RI for three months, vide impugned judgment dated 07.11.2014 passed by the First Additional Sessions Judge, Bilaspur, in Sessions Trial No.70 of 2014.

Counsel for the appellant submits that the appellant has been convicted mainly on the basis of the evidence of last seen, whereas, both the witnesses Shyam Singh Paikra (PW-15) and Raimatbai (PW-17) have not fully supported the prosecution case. He further submits that in absence of Serological report, the FSL report has no significance, therefore, the appellant be released on bail.

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 sentences awarded to appellant- **Gopal Singh Gandharv @ Janu, S/o Bholaram** by the trial Court shall remain suspended and he shall be released on bail on his 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