

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 897 of 2017

- Bahadur Singh, S/o Mangtu Ram Rathia, Aged about 28 years, R/o Balpenda, Police Station- Dharamjaigarh, District- Raigarh (C.G.).

---- Appellant

Versus

- State of Chhattisgarh, through- Station House Officer, Police Station- Dharamjaigarh , District Raigarh (C.G.).

---- Respondent

DB

Hon'ble Shri Justice Arvind Singh Chandel & Hon'ble Shri Justice Deepak Kumar Tiwari

08.12.2021	Mr. Manoj Kumar Jaiswal, counsel for the Appellant. Mr. Sudeep Verma, Dy. G.A. for the State/Respondent. Heard on I.A. No. 01/2020, application for suspension of sentence and grant of bail to the appellant. It is a repeat bail application of the appellant and his first bail application (I.A. No. 01/2017) was dismissed as withdrawn vide order dated 11.12.2017 with liberty to file afresh after two years. By the impugned judgment dated 31.05.2017 passed in Sessions Case No. 152/2016 by First Additional Sessions Judge, Raigarh (C.G.) the appellant stands convicted as mentioned below: <table><tr><td>Conviction</td><td>Sentence</td><td>In Default</td></tr></table>	Conviction	Sentence	In Default
Conviction	Sentence	In Default		

u/S 302 of IPC	Life imprisonment and fine amount of Rs. 1,000/-.	In default of payment of fine amount additional SI for 03 months.
Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial Court in the judgment without there being any sufficient evidence available on record. He further submits that there is no any direct evidence available against the appellant, there is no eye witness in this case and the case of prosecution is only based on the circumstantial evidence i.e. memorandum statement of the appellant. He further submits that some cloths of the appellant have been seized and according to the FSL Report (Ex.P/26) blood stains were found on those seized cloths, but the trial Court has committed an error in identifying the blood because it was not the human blood and apart from this evidence there is no evidence available on record against the appellant, therefore, his conviction is not sustainable and he may be enlarged on bail at this stage. He lastly submits that the appellant is in jail since 21.08.2016 and appeal is likely to take some more time to be finalized. Hence, it is prayed that his application may be allowed. On the other hand, learned counsel for the State has opposed the bail application. Heard both the parties. Minutely perused the record of the trial Court and the statements of the witnesses and other materials available on record. Considering the facts and circumstances of the case and particularly considering the fact that there is no report available which shows that the blood found on the cloths was human		

blood, further considering the fact that the appellant is in jail since 21.08.2016. Without further commenting on other merits of the case, we are of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

On execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **16.02.2022**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

List this case for final hearing in its due course.

Sd/-

(Arvind Singh Chandel)
Judge

Sd/-

(Deepak Kumar Tiwari)
Judge