NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1440 of 2018

- Maheshram Giri S/o Raghunath Giri Aged About 45 Years R/o Ratanpur, Police Station Kapu, District : Raigarh, Chhattisgarh

---- Appellant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Kapu, District : Raigarh, Chhattisgarh

---- Respondent

CRA No. 1630 of 2018

- Sharmajit Ahir S/o Lakthu Ram Ahir Aged About 35 Years R/o Sonpur, P. S. Kapu, District : Raigarh, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kapu, District : Raigarh, Chhattisgarh

---- Respondent

26/04/2019	Shri Rajkumar Pali and Shri Shashi Kumar Kushwaha, counsel for the respective appellants. Shri Neeraj Kumar Mehta, PL for the State. Heard on applications for suspension of sentence and grant of bail filed by the appellants in the aforesaid two connected appeals arising out of the same judgment. The appellants have been convicted under the impugned judgment of conviction and order of sentence dated 28.07.2018 passed by the Second Additional Sessions Judge, Raigarh, District-Raigarh (CG), in Session Trial No.11/2018.	

Learned counsel for appellants would argue that except the evidence of last seen there is no other evidence to involve the appellants in the alleged commission of offence.

On the other hand, learned State counsel opposing the bail application would submit that the evidence of last seen witness is that the deceased had entered the house of the appellants and he was taken out of the house and the appellants have taken him away, thereafter, the dead body of the deceased was found. He would further submit that a rope was also seized on the memorandum of the appellants which was used in strangulating the deceased.

Having considered the submission of learned counsel for the parties and particularly taking into consideration that the case of the prosecution is based only on circumstantial evidence of last seen of the appellants, we are inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, the aforesaid applications of Appellants are allowed. The substantive jail sentence awarded to them are suspended and the appellants are directed to be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each along with two local sureties for the like amount to the satisfaction of the concerned Trial Court for their appearance before it on **30.05.2019** and continue to appear on all other subsequent dates as may be given to them by the trial Court, interval being not less than 6 months, during the pendency of this appeal.

Certified copy as per rules.

List this case for final hearing.

De-linked **CRA No.426/2015.**

Sd/-	**Sd/-**
(Manindra Mohan Shrivastava)	**(Rajani Dubey)**
Judge	Judge

Yasmin