

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1401 OF 2017

1. Smt. Ravita Singh W/o Late Shivraj Singh, Aged About 55 Years Caste- Kshatriya R/o Village Devri, Police Station - Majhauri District - Sidhi Madhya Pradesh. At Present R/o Buddhu Singh Dafai, Ward No. 2, Khongapani, Police Station - Jhagrakhand, District-Koriya Chhattisgarh.
2. Smt. Saroj Singh W/o Late Ajay Kumar Singh Aged About 30 Years Caste- Kshatriya R/s Baniganj Baba Market, Allahabad, District - Allahabad Uttar Pradesh , At Present R/o Buddhu Singh Dafai, Ward No. 2, Khongapani, Police Station - Jhagrakhand, District-Koriya Chhattisgarh.

---- Appellants

Versus

State Of Chhattisgarh S/o Though The Incharge, Chowki Lodam , Police Station Jhagrakhand District- Koriya Chhattisgarh.

---- Respondent

07/05/2018	Shri Vinay Dubey, counsel for the Appellants. Shri Rahul Tamaskar, Panel Lawyer for the State/Respondent. Heard on I.A. No.01/2017, an application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 31.07.2017 passed by the Second Additional Sessions Judge, Manendragarh, District-Koriya (C.G.) in Sessions Trial No.25/2016, the accused/appellants stand convicted under Section 302/34 IPC and sentenced to undergo imprisonment for life with fine of Rs. 2000/- each

plus usual default stipulations.

Learned Counsel for the appellants submits that there is no eyewitness account to the incident and the appellants have been convicted solely on the basis of weak circumstantial evidence. It has been argued that Piyush @ Abhimanyu (PW-1), is the star witness of the prosecution, has not supported the case of the prosecution and has been declared hostile. It has been further submitted that there are two accused and thus even if the principles of house murder is applied, there is absolutely no evidence as to who killed the deceased. Learned counsel for the appellants referring to the statement of Piyush @ Abhimanyu (PW-1) submits that the door of the house used to remain opened and that anybody could have entered into the house. Lastly, it has been argued that appellants are ladies and they are in jail since 25/11/2015, the appeal is likely to take some time for its final disposal and therefore, they may be released on bail.

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

We have heard learned counsel appearing for the parties.

Considering the totality of the facts and circumstances of the case and the nature of evidence adduced by the prosecution, particularly the fact that the appellants are ladies and they remained in jail for about more than 2 ½ years, without further commenting on merits of the case, we are of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellants.

Accordingly, I. A. No.01/2017 is allowed.

It is directed that the substantive jail sentence imposed upon appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- with one surety each in like sum to the satisfaction of the trial Court. Appellants

need not give appearance anywhere until and unless otherwise directed.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Sanjay Agrawal)
Judge