

HIGH COURT OF CHHATTISGARH, BILASPURCRA No. 1359 of 2019

1. Amardeep Tirki And Another S/o Late Shri Nirmal Tirki Aged About 22 Years.
2. Amarsay Tirki S/o Late Shri Nirmal Tirki Aged About 24 Years

Both R/o Village - Baskepi Chandelapara, Police Chauki- Ganeshmod, PS Balrampur, Distt. Balrampur Ramanujganj, Civil And Revenue Distt. Balrampur Ramanujganj Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Police Station - Balrampur, Distt. Balrampur Ramanujganj Chhattisgarh

---- Respondent

18/02/2020	Heard Shri M.K. Sinha, Adv. for the appellants and Shri R.S. Baghel, Dy. Adv. General for the State. <u>I.A.No.1</u> This is an application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 26-7-2019 passed by the Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj, in ST No.62/2017 the appellants have been convicted under Sections 302/34 & 201 of the Indian Penal Code and sentenced them to undergo imprisonment for life and RI for 5 years, respectively with default stipulations. The appellants have allegedly committed murder of their father namely; Nirmal Tirki (since deceased). Admittedly, the appellants and the father were residing separately from each other. There is no evidence that on the date of incident any witness has seen the

appellants in the house of the deceased. The only evidence against the appellants was their own memorandum statement and alleged extra judicial confession in front of PW-1 Chapan Tirki, however, this witness has turned hostile although he supports the prosecution on the point of extra judicial confession during cross-examination by the prosecution but again he denies such statement having been made by the appellants in further cross-examination by the defence.

Considering the quality of evidence, we are inclined to suspend the jail sentence imposed against the appellants and release them on bail.

Accordingly, the application (I.A.No.1) is allowed.

Execution of the sentence imposed on the appellants shall remain suspended and they are directed to be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on 6th of May, 2020. They 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 them by the said Court, till the disposal of this appeal.

Certified copy as per rules.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge