



HIGH COURT OF CHHATTISGARH, BILASPUR

2026:CGHC:21579-DB

Order Sheet

CRA No. 1565 of 2021

1. Arjun Singh Ayam, Son of Shivkumar, aged about 22 years, Resident of Village Lalmatiya Tola Katra, Police Station Marwahi, District Bilaspur, now District- Gourela-Pendra-Marwahi (Chhattisgarh)
2. Shiv Prasad Ayam, Son of Mohan Ayam, aged about 42 years, Resident of Village Lalmatiya Tola Katra, Police Station Marwahi, District Bilaspur, now District- Gourela-Pendra-Marwahi (Chhattisgarh)

....Appellants
(In Jail)

Versus

State of Chhattisgarh, through Station House Officer, Police Station Marwahi, District Bilaspur now District-Gourela-Pendra-Marwahi (Chhattisgarh)

....Respondent

Division Bench:

Hon'ble Shri Justice Sanjay K. Agrawal &
Hon'ble Shri Justice Sanjay S. Agrawal

03/08/2022	Mr. Ashish Shukla, Advocate for the appellants. Mr. Anmol Sharma, Panel Lawyer for the respondent-State. Heard on IA No.02, which is an application filed under Section 389 of Cr.P.C. for suspension of sentence and grant of bail on behalf of both the appellants. By impugned judgment of conviction and order of sentence dated 09.09.2021, the appellants have been convicted for offence under Sections 302 r/w Section 34 of IPC and sentenced to undergo life imprisonment with fine of Rs.100/- each and, in default of fine, additional rigorous imprisonment of 15 days each and also under Section 323 r/w Section 34 of IPC and sentenced to undergo 01 year rigorous imprisonment each. Learned counsel for the appellant submits that the appellants have good <i>prima</i>



facie case and they hope to succeed. The appellants No.01 & 2 are in jail since 22.06.2019 & 30.07.2019 respectively and there is no possibility of this appeal to be heard finally in near future. They have not committed any offence and they have been falsely implicated. There are major contradiction and omissions in the statements of prosecution witnesses. He further submits that there is no evidence available on record against the appellant No.02 that he has assaulted the deceased and caused her death. The learned trial Court without appreciating the oral and documentary evidence available on record convicted the appellants for the aforementioned offence by recording perverse findings, which is contrary to law, thus, appellants be enlarged on bail by suspending their jail sentence.

Per-contra, learned State counsel opposed the application and submits that the appellants have assaulted the deceased- Amratiya Bai by means of wooden stick and her husband, namely, Mohan Aayam (PW-01), due to which deceased sustained grievous injuries and died. He further submits that pursuant to memorandum statement of appellant No.01- Arjun Singh Aayam (Ex.P/05), seizure of two blood stained bamboo sticks have been effected vide Ex.P/07, which was further sent for FSL examination and in the FSL report (Ex.P/31) it has been opined that human blood was found on the said bamboo sticks. By taking this Court to the statement of various prosecution witnesses, specially that of injured eye-witness, namely, Mohan Aayam (PW-01) coupled with other evidence and the medical evidence available on record i.e., the postmortem report (Ex.P/27) and the FSL report (Ex.P/31), he submits that there is sufficient material available on record to connect the appellants-accused with the offence and the learned trial Court has rightly convicted them for the offence aforementioned and, therefore, the present application deserves to be rejected.

After hearing the learned counsel for the parties and taking into consideration the material available on record and especially taking into consideration the statement of injured eye-witness, namely, Mohan Aayam (PW-01) and the disclosure/memorandum statement of the appellant No.01- Arjun Singh (Ex.P/05) pursuant to which two blood stained bamboo sticks have been recovered vide Ex.P/07, which was further sent for FSL examination and in the FSL report (Ex.P/31) it



has been opined that human blood was found on the said bamboo sticks and other evidence available on record, we are not inclined to entertain this application for suspension of sentence and grant of bail for appellant No.01 and same is liable to be reject for appellant No.01. However, we deem it appropriate to allow this application for appellant No.02, as *prima facie* we do not see any clear evidence which shows that the injuries sustained by the deceased, due to which she died, were inflicted by the appellant No.02 and neither any disclosure statement has been made by him nor any incriminating article has been seized from him.

Accordingly, the substantive jail sentence awarded to the appellant No.02 by the learned trial Court is hereby suspended. The appellant No.02- **Shiv Prasad Ayam** be released on bail on his executing bail bond of **Rs.25,000/- (Twenty Five Thousand Only)** with one local surety in the like amount to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on 10.11.2022. He shall thereafter appear before the concerned 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, interval being not less than 6 months, till the disposal of this appeal.

Consequently, I.A. No.02 is **allowed** to the extent it relates to the **appellant No.02- Shiv Prasad Ayam only** and stands **rejected** for **appellant No.01- Arjun Singh Ayam**.

It is made clear that the observations made hereinabove are only confined for disposal of IA No.02 and it shall not be construed as an expression of opinion of this Court on the merits of the matter.

C.C. as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Sanjay S. Agrawal)
Judge