

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet
CRA No. 1595 of 2017

- Dasri Bai D/o W/o Late Ishwar Sahu, Aged About 38 Years R/o Village Pacheda, P. S. Khallari, Distt. Mahasamund, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through District Magistrate, District Mahsamund Chhattisgarh.

---- Respondent

25/04/2018	Shri Awadh Tripathi, counsel for the appellant. Shri Vaibhav A. Goverdhan, 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 appellant. Vide impugned judgment and order dated 29.08.2017 passed in Sessions Trial No. 25/2016 by the 2nd Additional Sessions Judge, Mahasamund, the appellant stands convicted under Section 302 & 201 IPC and sentenced to life imprisonment with fine of Rs.1000/- under Section 302 IPC and to undergo RI for three years with fine of Rs.500/- under Section 201 IPC plus usual defedault stipulations. Shri Awadh Tripathi, learned counsel for the appellant submits that there is no eyewitness account to the incident and the appellant has been convicted solely on the basis of weak circumstantial evidence. It has been argued that the dead body of the deceased Amrut Bai has been found in an open well adjacent to the house of the appellant and that is why she has been implicated. Learned counsel submits that in the house in question,

apart from the appellant, her children were also residing with her and in adjacent house son of the deceased was also residing. It has been further argued that in the post-mortem report, Doctor has not given any opinion regarding cause of death of deceased and death has not been stated to be homicidal one, but, while deposing in the Court he says so.

On the other hand, Shri Vaibhav A. Goverdhan, learned counsel for the State opposes the bail application.

We have heard learned counsel for the parties.

Considering the totality of the case, in particular, the nature of evidence available on record, without further commenting on merits of the matter, we are inclined to release the appellant on bail.

Accordingly, I.A.No. 01/2017 is allowed. It is directed that substantive jail sentence imposed upon the appellant shall remain suspended during pendency of this appeal and she shall be released on bail on her furnishing bail bond in sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court. Appellant need not appear anywhere until and unless otherwise directed.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(Sanjay Agrawal)
Judge