

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1572 of 2016

(Arising out of judgment/order dated 27.10.2016 in Case No. 19 of 2015 of the learned
Additional Sessions Judge (FTC) Raigarh)

Shubham Mishra S/o Shri Narayan Mishra Aged About 19 Years R/o Village
Raniganj, Near Mansurabad Chowd Allahabad, At Present Purana Police Line,
Hudco Colony, Police Station Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through The Police Station Kotwali Raigarh, District
Raigarh, Chhattisgarh.

---- Respondent

12/09/2017	Mr. BMK Bajpai, Advocate for the Appellant. Mrs. Madhunisha Singh, Panel Lawyer for the State. Heard on I.A. No. 01 of 2017, application for suspension of sentence and grant of bail to the Appellant. By the impugned judgment dated 27.10.2016 passed by the learned Additional Sessions Judge (FTC) Raigarh, District Raigarh (C.G.) in Session Trial No. 19 of 2015, the appellant stands convicted under Sections 450, 379, 376, 302 and 201 of the IPC and sentenced to undergo rigorous imprisonment

for five years and to pay fine of Rs. 2,000/-, rigorous imprisonment for 1 year with fine of Rs. 1000/-, rigorous imprisonment for 10 years with fine of Rs. 5000/-, rigorous imprisonment for life with fine of Rs. 10,000/- and rigorous imprisonment for 3 years with fine of Rs. 2000/- with default stipulations with a direction to run the sentences concurrently.

Counsel for the appellant submits that there is no legally admissible evidence against the appellant and alleged seizure of certain articles are not incriminating piece of evidence to bring home the guilt, therefore, he be released on bail.

On the other hand, Learned counsel for the State has opposed the application.

Considering the totality of the case, particularly, the evidence adduced by the prosecution and further considering the detention period of the appellant, without further commenting anything on its merits, we are inclined to release the appellant on bail.

Accordingly, the bail application is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a

	personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the trial Court. The appellant need not give appearance anywhere until and unless otherwise directed. Sd/- (Pritinker Diwaker) Judge Sd/- (Ram Prasanna Sharma) Judge
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Santosh