



2025:CGHC:10969

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1990 of 2017**

- Ramdayal S/o Rambharos Aged About 45 Years R/o Gram Patiyadand, P. S. Jhilmili, District Surajpur Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh Through District Magistrate, Surajpur, District Surajpur, Chhattisgarh

---- Respondent

22/02/2018	Shri Pragalbha Sharma, Advocate for the appellant. Shri S.K. Mishra, PL for the State. Heard on I.A. No.01, which is an application for suspension of sentence and grant of bail. The appellant stands convicted under Section 304 (II) of the I.P.C. and sentenced to undergo R.I. for 4 years vide judgment dated 08.12.2017 passed by the Sessions Judge, Surajpur (C.G.) in S.T. No.24/2017. Learned counsel for the appellant would submit that as per the postmortem report Ex. P-13 and statement of Dr. B.C. Paikra (PW-5) only the presumption of homicidal death was stated and no witness has supported the case of the prosecution. He would further submit that the appellant has suffered jail sentence of 1 year, 1 month & 7 days, therefore, the substantive jail sentence imposed upon the appellant may be suspended and he may be released on bail. Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail. I have perused the postmortem report (Ex. P-13) and	



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the statement of Yamuna Prasad (PW-1). Considering the same and the fact that the appellant is in jail, I am inclined to suspend the sentence and release the appellant on bail.

Accordingly, I.A.No.1, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **12th April, 2018**. He 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 him by the said Court, till the disposal of this appeal.

Sd/-

Goutam Bhaduri

Judge

Ashu