

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No.1459 of 2019

- Chandra Kumar Gabel, S/o Harilal Gabel, Aged About 26 Years, R/o Village Bakeli, P.S. Kharsiya District – Raigarh, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh, Through P. S. Kharsiya, District – Raigarh, Chhattisgarh

---- Respondent

22/01/2020	Shri F. S. Khare, counsel for the appellant. Shri Neeraj Mehta, PL for the State. Heard on IA No.1/2019, an application for suspension of sentence and grant of bail. By the impugned judgment dated 28.08.2019 passed by the learned 5th Additional Session Judge, Raigarh in ST No.77/2018, the appellant has been convicted under Sections 302 and 201 of IPC and sentenced to undergo life imprisonment and RI for 7 years, respectively, with default stipulations. The deceased Bhuvneshwar Gabel was brother-in-law of the appellant. He was done to death and thereafter his dead body was placed on a railway track to demonstrate that he has met either accidental or suicidal death by coming under the running train. The dead body was not identified, therefore, it was buried. On finding that he has died homicidal death and on suspicion, the appellant was arrested and his memorandum statement was recorded. However, there is no recovery of any weapon or any article belonging to the deceased. Two mobile sets were recovered from the appellant, but none of them is proved to be belonging to the deceased. In the absence of any evidence of last seen together or extra judicial confession or recovery of weapon from the appellant, we consider the present to be a fit case for suspension of sentence and release of the appellant on bail.

Accordingly, IA No.1/2019 is allowed.

Execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he is directed to be released on bail provided he furnishes a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 13.04.2020 and thereafter he shall continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Nirala