

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1480 of 2019

- Samir Adhikari S/o Shailendra Adhikari Aged About 25 Years R/o Village P.V. 42, Police Station Pakhanjur, District North Bastar Kanker Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pakhanjur, District North Bastar Kanker Chhattisgarh

---- Respondent

14.1.2020	Mr. Akhil Mishra, Counsel for the appellant. Mr. Ashish Gupta, Panel Lawyer for the State. Heard on IA No.2, an application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted under Sections 364, 302 and 201 of IPC and sentenced to undergo RI for 10 years, imprisonment for life and RI for 7 years and to pay fine of Rs.500/-, Rs.500/- and Rs.500/- respectively vide impugned judgment dated 3.2.2017 passed by the Additional Sessions Judge, Kanker, District Uttar Bastar Kanker (CG) in Sessions Case No.70/2015. The appellant has allegedly committed murder of his nephew Swarojit Adhikari (deceased). The conviction is on the basis of circumstantial evidence of last seen together and recovery of the dead body & clothes of the deceased at the instance of the appellant. However, the memorandum statement -Ex.P/5 of the appellant would not state that he will get the body of the deceased recovered. The clothes of the deceased have not been put to identification. The postmortem report has remained inconclusive as to the mode of death. There is no evidence of motive for commission of

murder. The evidence of last seen together, as stated by PW-1 Nivedan Adhikari, is also towards going together to the forest area. The dead body has been recovered after 3 days.

Considering the quality of evidence, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail.

The application is allowed.

Execution of the sentence imposed on the appellant shall remain suspended and he is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court **on 7th of April 2020**. 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.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Shyna