

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1730 of 2018**

- Sukhnath Sahu, S/o Amarud Sahu, Aged About 42 Years, R/o Under The Imaliduggu Cabin, Police Station Kotwali, District : Korba, Chhattisgarh

---- Appellant**Versus**

- State of Chhattisgarh, Through The Station House Officer, Out Post Manikpur, Police Station Kotwali, District : Korba, Chhattisgarh

---- Respondent

05.02.2019	Shri Dharmesh Shrivastava, counsel for the Appellant. Shri Suryakant Mishra, PL for the State. Heard on I.A.No.01 for suspension of sentence and grant of bail. The appellant has been convicted under the impugned judgment of conviction and order of sentence dated 27.10.2018 passed by the Learned Sessions Judge, Korba, District - Korba, (CG), in S.T. No.18/2018. Learned counsel for the appellant argued that the only evidence to convict the appellant is recovery of axe and inner wear, which is said to be blood stained and except this there is no other evidence. He would next submit that the blood stains could not be proved to be of the origin of the deceased, therefore, only on that basis, the conviction could not be sustained. On the other hand, learned State counsel opposing the bail application would submit that even though the recovery and the FSL report does not prove that the blood found was that of blood group and origin of the deceased, the presence of human blood required the appellant to explain the same, but non-explanation	

leads to inference of guilt.

Having considered the submission of learned counsel for the parties and particularly taking into consideration that the conviction is only based on recovery of axe and inner wear and the FSL report does not show that the blood stains was found to be of blood group or origin of deceased, we are inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, I.A.No.01 is allowed. The substantive jail sentence awarded to the appellant is suspended and the appellant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned Trial Court for his appearance before it on **15.04.2019** and continue to appear on all other subsequent dates as may be given to him by the trial Court, interval being not less than 6 months, during the pendency of this appeal.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge