

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.1708 of 2019

Dhaneshwar Sahu **Versus** State Of Chhattisgarh

29/01/2020	Shri B. P. Singh, counsel for the appellant. Shri Neeraj Mehta, PL for the State. Heard on IA No.1/2019, application for suspension of sentence and grant of bail. By the impugned judgment dated 31.08.2019 passed by the learned Additional Session Judge, Sarangarh, District Raigarh in ST No.04/2018, the appellant has been convicted under Sections 302 and 201 of IPC and sentenced to undergo life imprisonment and RI for 2 years, respectively, with default stipulations. The appellant allegedly committed murder of the deceased Chanda Yadav, with whom he had an affair. The material witnesses namely, PW-12 Kismat Prajapati, PW-13 Kishan Jaiswal, PW-15 Deepak Singh and PW-16 Deepak Sahu have turned hostile. They were witnesses of last seen together. PW-15 Deepak Singh supports the prosecution to some extent, but he dilutes his statement in the cross-examination. The conviction is based only on the evidence of disclosure statement made by the appellant, consequent to which the dead body was recovered from a place where it was buried 4 feet below the ground. Considering the quality of evidence, we are inclined to suspend the sentence and release 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 04.05.2020 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