



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1728 of 2019

1. Rajkumar S/o late Salikram Marawi, aged about 22 years;
2. Rajesh S/o late Salikram Marawi, aged about 19 years;
3. Fuleshwari Bai, W/o Rajkumar Marawi (wrongly mentioned as Rajkumari), aged about 20 year;

All are R/o Village – Polmi Banjhi Aamapara, PS-Kukdur, District Kabirdham, C.G.

Versus

- State Of Chhattisgarh, through the Police Station Kukdur, Disrict - Kabirdham C.G.

Division Bench:-

**Hon'ble Shri Justice Sanjay K. Agrawal &
Hon'ble Shri Justice Sachin Singh Rajput**

25.08.2022	Mr. Dinesh Tiwari, counsel for the appellants. Mr. Arjit Tiwari, PL for the State / respondent. Heard on I.A. No.2, application for suspension of sentence and grant of bail. By the impugned judgment dated 29.04.2019 passed by the Additional Sessions Judge (FTC), District Kabirdham, C.G. in Sessions Trial No. 26/2018 the present appellants have been



convicted as under:-

Conviction (against all the appellants)	Sentence (against all the appellants)
Under Section 302/34 of IPC	R.I. for life and fine of Rs.1000/-, in default of payment of fine further R.I. 2 months
Under Section 201/34 of IPC	R.I. for one year and fine of Rs.500/-, in default of payment of fine further R.I. for one month.

Mr. Dinesh Tiwari, learned counsel for the appellants, submits that he is only pressing the bail application on behalf of appellant No.3, Fuleshwari Bai. He further submits that there is no evidence connecting appellant No.3 in offence in question and merely because she is the daughter-in-law of the deceased-Fuleshwar Bai, she has been implicated in offence in question. He further submits that wooden stick (dunda / lathi) was recovered from appellant No.1, Rajkumar, and no seizure and recovery were made from appellant No.3. He further submits that appellant No.3 is in jail since 03.04.2018 along with child who is aged about 2 years ½ month, therefore, the application for grant of bail may be allowed and appellant No.3 may be released on bail.

Per contra, Mr. Arjit Tiwari, learned State counsel, opposes the submission made by learned counsel for the appellants. He further submits that the trial Court has rightly convicted the

appellants and, as such, the application for grant of bail to the appellants deserves to be rejected as sufficient evidence is available against appellant No.3.

We have heard learned counsel for the parties and considered their rival submissions and also perused the records with utmost circumspection.

In view of the submission made by learned counsel for the appellants bail application filed on behalf of appellant No.1, **Rajkumar**, & appellant No.2, **Rajesh** is **dismissed** as not pressed.

Taking into consideration the material available on record and the fact that no recovery was made from appellant No. 3 and also considering the evidence available against her connecting her in offence in question and further considering the that she is in jail since 03.04.2018 along with child who is aged about 2 years ½ month, we are of the view that application for suspension of sentence and grant of bail filed on behalf of appellant No.3, **Fuleshwari Bai**, is **allowed**.

The substantive jail sentence awarded to appellant No.3, **Fuleshwari Bai**, is suspended during the pendency of this appeal and she is directed to be released on bail on her furnishing a personal bond in the sum of **Rs.25,000/-**, along with one surety in the like sum to the satisfaction of the concerned trial Court for her

appearance before the Registry of this Court on 30th of September, 2022. She 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 her by the said Court, till the disposal of this appeal.

Learned counsel for the appellants submits that family members of appellant No.3 are in jail and no other person is present to furnish bail bond.

In view of the aforesaid submission of learned counsel for the appellants, we are inclined to release appellant No.3 Fuleshwari Bai, only on personal bond of **Rs.25,000/-** personal bond without surety.

However, observation made herein above is only confined to disposal of bail application and shall not be construed as opinion on merits of the matter.

In view of the above, I.A. No.2 stands disposed off.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Sachin Singh Rajput)
Judge