

HIGH COURT OF CHHATTISGARH, BILASPURCRA No. 1732 of 2019

1. Smt. Savita Sahu W/o Late Manharan Sahu Aged About 32 Years R/o Village Bangar, PS Kurud, District Dhamtari, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through-PS Kurud, District Dhamtari, Chhattisgarh.

---- Respondent

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| 22/01/2020 | <p>Heard Shri Varun Sharma, Adv. for the appellant and Shri Aditya Sharma, Panel Lawyer for the State.</p> <p><u>I.A. No.2</u></p> <p>This is an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 2-5-2015 passed by the Sessions Judge, Dhamtari, in ST No.45/ 2014 the appellant has been convicted under Sections 302 &amp; 307 of the Indian Penal Code and sentenced her to undergo imprisonment for life &amp; RI for 7 years, respectively with default stipulations.</p> <p>Material available in the record would indicate that the appellant's husband died about 3 months before the incident. On the date of incident she herself consumed poison and thereafter administered the syrup containing poison to her son Bhushan (since deceased) and her daughter Kajal (PW-2). In her dying declaration (Ex.P/26) the appellant admitted that on</p> |  |

account of death of her husband she was highly distressed and depressed. Similar plea has raised in her accused statement. PW-2 Kajal would state that but for the present incident she and her brother were treated well by the appellant.

The appellant, a lady, aged presently about 32 years, is in jail since 7-11-2014 i.e. for more than 5 years.

Considering the entire facts situation of the case and the evidence, we are inclined to suspend the jail sentence imposed against the appellant and release her on bail.

Accordingly, the application (I.A.No.2) is allowed.

Execution of the sentence imposed on the appellant shall remain suspended and she is directed to be released on bail on her 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 her appearance before the Registry of this Court on 22<sup>nd</sup> of April, 2020. 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.

Certified copy as per rules.

Sd/-  
(Prashant Kumar Mishra)  
Judge

Sd/-  
(Gautam Chourdiya)  
Judge

Gowri