



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2172 of 2024

1 - Rohit Yadav S/o Shantaram Yadav, Aged About 26 Years, R/o Behind Vivek Medical, Budhwari Bazar Birgaon, P.S. Urla, District Raipur Chhattisgarh.

... **Appellant**

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station Urla Raipur, District Raipur Chhattisgarh.

... **Respondent**

08-04-2025	Mr. Rekhraj Baghel, Advocate for the appellant. Ms. Priya Sharma, P.L. for the respondent/State. Heard on admission. Admit. Record of the trial Court has already been received. Also heard on I.A. No. 01/2024, which is an application under Section 430 of BNSS, 2023 for suspension of sentence and grant of bail. By the impugned judgment of conviction and order of sentence dated 01-10-2024 passed by the learned Sessions Judge, Raipur, District Raipur (C.G.) in S.T. No. 28/2024 the appellant has been convicted and sentenced in the following manner with a direction to run all the jail sentences concurrently:-

Conviction	Sentence
U/s 307 of the IPC	R.I. for 05 years and fine of Rs.1000/-, in default of payment of fine, additional R.I. for 03 months,
U/s 25(1)(b) (b) of Arms Act	R.I. for 01 year and fine of Rs.1000/-, in default of payment of fine, additional R.I. for 03 months,

Learned counsel for the appellant would submit that the prosecution has failed to prove its case beyond reasonable doubt. There are material omissions and contradictions in the evidence of prosecution witnesses. The victim/injured has not fully supported the prosecution's case. There is no grievous injuries on the body of the injured which has been caused by the appellant. The appellant is in jail since 17-11-2023 and final adjudication of the appeal will take its own time. Therefore, the appellant may be enlarged on bail.

On the other hand, learned counsel for the State opposes and has submitted that victim/injured Vikas Madhukar (PW-3) was assaulted repeated knife blow on his abdomen and neck by the appellant by which he received grievous injuries on his vital part of the body. She would also submit that the appellant is having 9 criminal antecedents and he is habitual offender. Therefore, he is not entitled for bail.

Considering the submissions made by the learned counsel for the parties and further considering the allegation against the present appellant that he repeatedly assaulted injured Vikas Madhukar (PW-3) on his abdomen and neck which has been witnessed by other witnesses Shyamacharan Madhukar (PW-1), Sanjay @ Rahul Jangade (PW-2), further taking into consideration that the grievous injuries have been found on abdomen and neck of injured Vikas Madhukar (PW-3) and also that the appellant is having 9 criminal

antecedents, I am not inclined to release him on bail. Accordingly, his application for suspension of sentence and grant of bail, I.A. No.01/2024 is rejected.

List this case after four weeks for final hearing.

Sd/-

(Ravindra Kumar Agrawal)
Judge