



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2190 of 2025

1 - Neelkanth Majhwar S/o Injor Sai Majhwar Aged About 18 Years R/o Village Katinda, Nadipara, Police Station Lakhanpur, District Surguja (C.G.)

2 - Dharampal @ Bhantha S/o Jageshwar Aged About 18 Years R/o Village Katinda, Nadipara, Police Station Lakhanpur, District Surguja (C.G.)

3 - Rameshwar @ Nan S/o Babu Aged About 27 Years R/o Village Katinda, Nadipara, Police Station Lakhanpur, District Surguja (C.G.)

4 - Laxmi W/o Neelkanth Aged About 19 Years R/o Village Katinda, Nadipara, Police Station Lakhanpur, District Surguja (C.G.)

... Appellants

versus

State Of Chhattisgarh Through - Police Station Lakhanpur, District Surguja (C.G.)

... Respondent

CRA No. 2028 of 2025

1 - Devnath S/o Devgun Aged About 18 Years R/o Village Katinda, Nadipara, Police Station Lakhanpur, District Surguja Chhattisgarh

... Appellant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Lakhanpur, District Surguja Chhattisgarh (As Per Final Report)

... Respondent

Order Sheet

23/03/2026	Mr. Vivek Singhal, counsel for appellants in CRA No.2190/2025. Mr. Abhishek Sharma, counsel for appellant in CRA No.2028/2025 Mr. K. K. Bahrani, P.L. for State. Heard on I.A. No.01/2025, applications under Section 430 of BNSS for suspension of Sentence and Grant of bail in both the appeals. By the impugned judgment dated 31.07.2025 passed by learned 2nd Additional Sessions Judge, Ambikapur, District Surguja (CG) in Sessions Trial No. 169/2022, the appellants have been convicted and sentenced as under:- <table border="1" data-bbox="518 1391 1439 1715"> <thead> <tr> <th data-bbox="518 1391 817 1442">Conviction</th><th data-bbox="817 1391 1439 1442">Sentence</th></tr> </thead> <tbody> <tr> <td data-bbox="518 1442 817 1581">U/s 304 Part-I/34 of IPC</td><td data-bbox="817 1442 1439 1581">R.I. for 10 years and fine of Rs. 1,000/-, in default of fine, additional R.I. for 6 months.</td></tr> <tr> <td data-bbox="518 1581 817 1715">U/s 201/34 of IPC</td><td data-bbox="817 1581 1439 1715">R.I. for 2 years and fine of Rs. 500/-, in default of fine, additional R.I. for 2 days.</td></tr> </tbody> </table> (Both the sentences were directed to run concurrently).	Conviction	Sentence	U/s 304 Part-I/34 of IPC	R.I. for 10 years and fine of Rs. 1,000/-, in default of fine, additional R.I. for 6 months.	U/s 201/34 of IPC	R.I. for 2 years and fine of Rs. 500/-, in default of fine, additional R.I. for 2 days.
Conviction	Sentence						
U/s 304 Part-I/34 of IPC	R.I. for 10 years and fine of Rs. 1,000/-, in default of fine, additional R.I. for 6 months.						
U/s 201/34 of IPC	R.I. for 2 years and fine of Rs. 500/-, in default of fine, additional R.I. for 2 days.						

Learned counsel appearing for the appellants submit that the trial court's judgment is based on the Section 164 CrPC statements of eyewitnesses Amrit Bai and Devkumari, as well as the articles seized on the memorandum statements of the appellants. However, the eye witnesses Amrit Bai and Dev Kumari, in their court statement, have not supported the case of prosecution and turned hostile. The FSL report is negative and appellant Laxmi's name was not mentioned in the FIR. They further submit that the appellants have already served about 3 years & 9 months jail sentence and the appeal being of the year 2025, there is no likelihood of its early final disposal. Therefore, considering all these facts, the jail sentence of the appellants may be suspended till the final disposal of the appeals and the appellants be released on bail.

On the other hand, learned State counsel opposes the bail applications.

Considering the entire facts and circumstances of the case particularly the facts that the appellants have already served the jail sentence of about 3 years & 9 months and the final disposal of the appeals is likely to take some time, I am inclined to suspend the jail sentence imposed upon the appellants.

Accordingly, the applications (I.A. No. 01/2025) in both the appeals, for suspension of sentence and grant of bail are **allowed**.

It is directed that the substantive jail sentence imposed upon the appellants shall remain suspended till final disposal of the appeals on their executing a personal bond for a sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the trial Court for their appearance before the Registry of this Court on **15th May, 2026**. They shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and continue to appear before the trial Court on all such subsequent dates as are given to them by the said Court till disposal of the appeals.

Records of the Trial Court has already been received.

Let both the appeals be listed for final hearing after 6 weeks.

**Sd/-
(Sanjay Kumar Jaiswal)
Judge**