

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 2050 of 2022

- Dhaniram Manjhwari S/o Ramratan Manjhwari, aged about 27 years R/o Village: Arsena, Mudapara, Police Station- Lemru, District : Korba, Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh through Station House Officer, Police Station- Lemru, District : Korba, Chhattisgarh

---- Respondent

30.06.2023	Mr. Dharmesh Shrivastava, Counsel for the appellant. Mr. Sanjay Pathak, P.L. for the State/Respondent. Heard I.A. No. 1 of 2022, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment date 23.11.2022 passed in Session Case No. 31 of 2020 by the Sessions Judge, Korba, District: Korba (C.G.) the appellant stands convicted as mentioned below: <table><tr><th>Conviction</th><th>Sentence</th><th>In Default</th></tr><tr><td>U/s 304 Part-1 of IPC</td><td>RI for 10 years with a fine amount of Rs.100/-</td><td>In default of payment of fine amount additional RI for 5 days.</td></tr></table> Learned counsel for the appellant submits that the appellant has been wrongly convicted by the Trial Court in the judgment without there being any sufficient evidence available on record. He submits that the appellant was the husband of the deceased Sitabai and on the date of incident the deceased was in drunken condition. He further submits that dispute took place between them when the appellant asked his wife to feed the child and when she did not wake up, the appellant got annoyed	Conviction	Sentence	In Default	U/s 304 Part-1 of IPC	RI for 10 years with a fine amount of Rs.100/-	In default of payment of fine amount additional RI for 5 days.
Conviction	Sentence	In Default					
U/s 304 Part-1 of IPC	RI for 10 years with a fine amount of Rs.100/-	In default of payment of fine amount additional RI for 5 days.					

Saurabh	and assaulted her with wooden stick. He further submits that there was no intention of the appellant to commit murder of the deceased, the appellant was in judicial custody from 20.01.2020 to 23.11.2022 and presently the appellant is in jail since 23.11.2022, therefore, he has remained in jail for about 3 ½ years. Hence, it is prayed that his application be allowed. On the other hand, learned counsel for the State has opposed the bail application and submissions made in this respect. Heard both the parties and perused the record of the Trial Court. After perusing the impugned judgment and considering the injuries sustained by the deceased which are simple in nature and further considering this fact that the appellant has remained in jail for more than 3 ½ years and disposal of this appeal is likely to take time, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal. Execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for her appearance before the Registry of this Court on 07.09.2023. He 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 him by the said Court, till the disposal of this appeal. List this case for final hearing in due course. Sd/- (Radhakishan Agrawal) Judge
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