

(2018) 09 CHH CK 0358

Chhattisgarh High Court**Case No:** Criminal Appeal (CRA) No. 944 Of 2018

Baliram Dewangan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Sept. 25, 2018**Acts Referred:**

- Indian Penal Code, 1860 - Section 201, 302

Hon'ble Judges: Pritinker Diwaker, J; Rajani Dubey, J**Bench:** Division Bench**Advocate:** Rahil Kochar, Neeraj Mehta**Final Decision:** Allowed

Judgement

Heard on I.A. No.01/18, application for suspension of sentence and grant of bail.

By the impugned judgment dated 31.05.2018 passed by the Additional Sessions Judge Bhanupratappur, North Bastar-Kanker in Sessions Trial

No.87/2015 the accused/appellant stands convicted under Sections 302 and 201 IPC and sentenced to undergo imprisonment for life and to undergo

RI for five years with fine of Rs. 500/- on each count plus default stipulations.

Contention of the counsel for the appellant is that there is no eyewitness account to the incident and the appellant has been convicted solely on the

basis of weak circumstantial evidence. It has been argued that the evidence of last seen cannot be used against the appellant as the witness PW-6

(Tikeshwar Manhar) has not supported the prosecution case. Likewise, PW-13 (Shyam Bai) is also not reliable. Lastly, it has been argued that the

appellant is in jail since 06.07.15, the appeal is likely to take sometime for its final disposal therefore he may be released on bail.

On the other hand, counsel for the State opposes the bail application.

Considering the totality of the fact in particular the nature of evidence available on record, without further commenting on merits, we are of the opinion

that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on

bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in like sum to the satisfaction of the trial court. The appellant need not

give appearance anywhere until and unless otherwise directed.