HIGH COURT OF CHHATTISGARH, BILASPUR Order Sheet

Criminal Appeal No. 458 of 2021

Farsuram Kashyap S/o Isara Kashyap Aged About 34 Years R/o Village Dongariguda, Police Station Parpa, District Bastar, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through The Police Station Kodenar, District Bastar, Chhattisgarh.

---Respondent

05/01/2022

Shri Nasimuddin Ansari, Advocate for the appellant.

Shri Devesh Chandra Verma, G.A. for the State.

Heard on I.A. No. 1 of 2021, an application for suspension of sentence and grant of bail to the appellant.

By the impugned judgment dated 27.1.2021 passed by the Learned Second Additional Sessions Judge, Bastar at Jagdalpur, District Bastar, Chhattisgarh in Sessions Case No. 15 of 2018, the appellant stands convicted under Section 302 of the Indian Penal Code and sentenced to undergo life imprisonment and to pay fine of Rs.2,000/-, in default of payment of fine, to further undergo RI for 3 months.

Learned counsel for the appellant submits that the appellant has been erroneously convicted and sentenced by the trial Court in the impugned judgment without there being any reliable evidence of the prosecution against the appellant beyond reasonable doubt. The conviction of the appellant is based on the circumstantial evidence of recovery of one mobile phone from the appellant, which belonged to the deceased and recovery of the knife. The whole

chain of circumstances have not been proved by the prosecution, therefore, the conviction is unsustainable. The appellant has a good case to argue. Hence, it is prayed that the sentence may be suspended and he may be released on bail.

Learned State counsel opposes the bail application. It is submitted that the prosecution has clearly established the guilt of the appellant. There is evidence present showing that the mobile of the deceased was missing which was recovered from the possession of the appellant and further, the knife recovered from the appellant also shows the presence of human blood regarding which, the appellant has not been given any explanation in the trial. Hence, the appellant is not entitled for grant of bail.

Heard counsel for both the parties and perused the impugned judgment of the Court below.

Considered on the submissions and also perused the evidence present on record of the trial Court. We are of the considered view that it is not a fit case for suspension of sentence and grant of bail to the appellant.

Accordingly, I.A. No.1 of 2021, an application for suspension of sentence and grant of bail to the appellant is rejected.

List this appeal for final hearing in due course.

Sd/-

(R.C.S. Samant)

Judge

(Arvind Singh Chandel)

Judge

Sd/-