HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 259 of 2021

1. Somveer S/o Sunil Jaat, aged about 21 years, R/o Guggahedi, Police Station Lakhanmanjara, District: Rohtak Hariyana Present R/o Village Jhajhadih, Police Station Dadhi, District Bemetara Chhattisgarh.

2. Anil S/o Om Prakash Jaat, aged about 40 years R/o Guggahedi, Police Station Lakhanmanjara District Rohtak Hariyana Present R/o Village Jhajhadih, Police Station Dadhi, District Bemetara Chhattisgarh

---- Appellants

Versus

State of Chhattisgarh through Police Station Dadhi, District Bemetara Chhattisgarh

---- Respondent

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03.08.2021	Mr. Vaibhav A. Goverdhan, Counsel for the Appellants. Mr. H.S. Ahluwalia, Dy. A.G. for the State/Respondent. Heard on I.A. No. 01/2021, an application for suspension of sentence and grant of bail to the Appellants. After arguing at length, counsel for the Appellants submits that he wants to withdraw the instant application with regard to Appellant No.2. Accordingly, I.A. No.01/2021 is dismissed as withdrawn with regard to Appellant No.2 namely Anil. By the impugned judgment date 16.02.2021 passed in Session Case No.04/2019 by the learned Sessions Judge, Bemetara, District: Bemetara (C.G.) the Appellants stands convicted as mentioned below:

Conviction	Sentence	In Default
U/s 307 read with 34 of IPC	RI for 5-5 years with a fine amount of Rs.25,000-25,000/- each.	In default of payment of fine amount additional RI for 1-1 year.

Learned counsel for the Appellants submits that the Appellants have been wrongly convicted by the Trial Court in the judgment without there being any sufficient evidence available on record. He submits that as stated by Balraj Singh Puniya (PW-01) the main assailant was Appellant No.2, during trial the Appellant No.1 was on bail and after the judgment of the Trial Court he is jail since 16.02.2021 therefore, it is prayed that the Appellant No.1 may be granted benefit of bail. Hence, it is prayed that his application be allowed.

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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 the statements of witnesses, particularly considering the statements of Balraj Singh Puniya (PW-01), Dr. Jyoti Anil Jasathi (PW-04) & Dr. Lavlesh Rathore (PW-14) it appears that main assailant was Appellant No.2 who had given the injuries on the temporal part of the victim. With regard to Appellant No.1, considering the fact that he was not the main assailant, and considering this fact that the Appellant No.1 is in 16.02.2021, for these reasons, I am of this opinion that it will be proper to release the Appellant No.1 on bail during the pendency of this appeal.

Accordingly, I.A. No.01/2020, is allowed with regard to Appellant

	No.1 namely Somveer. Execution of substantive jail sentences imposed upon the appellant No.1 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 his appearance before the Registry of this Court on **16.11.2021.** 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/-** **(Arvind Singh Chandel)** **Judge**

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Saurabh