NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 615 of 2012

{Arising out of judgment of conviction and order of sentence dated 9-7-2012 passed by the Additional Sessions Judge, Bhatapara, in ST No.40 of 2009}

1. Shiv Prasad Sahu S/o Prabhu Ram Sahu Aged About 42 Years R/o Nawagaon, P.S. Bemetara, Distt. Durg, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh, Through - P.S. Simga, Distt. Raipur , (Now Baloudabazar) C.G.

---- Respondent

CRA No. 664 of 2012

1. Nandu @ Narendra Sahu S/o Kevalram Sahu Aged About 38 Years R/o Karanjiya, Thana Bemetara, Distt. Durg Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh, Through - P.S. Simga, Distt. Raipur , (Now Baloudabazar) C.G.

---- Respondent

CRA No. 684 of 2012

1. Narayan Chauhan S/o Shatrughan Chauhan Aged About 25 Years (Shopkeeper) R/o Village Dhekuna Ps Simaga Distt. Raipur (Now Baloda Bazar/Bhatapara), Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh S/o Through SHO PS Simga Distt. Raipur (Now Distt. Baloda Bazar/Bhatapara) C.G.

---- Respondent

CRA No. 687 of 2012

1. Lakshman Chouhan S/o Vijay Chouhan Aged About 30 Years R/o Village Bimtara, Ps Simga, Distt. Raipur C.G.

---- Appellant

Versus

1. State Of Chhattisgarh Through The District Magistrate, Raipur C.G.

---- Respondent

CRA No. 758 of 2012

1. Raju Chauhan S/o Shatrughan Chauhan Aged About 22 Years (Shopkeeper) R/o Village Tarponga (Mentioned As Parponga) Ps Simga Distt. -Raipur (Now Baloda Bazar/bhatapara) C.G.

---- Appellant

Versus

1. The State Of Chhattisgarh Through The SHO PS Simga, Distt. Raipur (Now Distt. Baloda Bazar/Bhatapara) C.G.

---- Respondent

CRA No. 802 of 2013

1. Hanuman Chauhan S/o Shiv Kumar Chauhan Aged About 35 Years R/o Tarponga, Ps Simga, Civil And Rev. Distt. Raipur (Now Distt. Baloda Bazar/Bhatapara)C.G.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Distt. Magistrate, Raipur C.G.

---- Respondent

For Appellants :-

- Shri Uttam Pandey, Adv. for the appellant Shiv Prasad Sahu in CRA No.615 of 2012.
- Shri Alok Kumar Dewangan, Adv. for the appellant Nandu @ Narendra Sahu in CRA No.664 of 2012.
- Shri Ravindra Agrawal, Adv. for the appellant Hanuman Chauhan in CRA No.802 of 2013.
- Shri Ashutosh Mishra, Adv. For the appellant Lakshman Chouhan in CRA No.687 of 2012.
- Shri Satya Prakash Verma, Adv. for the appellant Raju Chauhan in CRA No.758 of 2013 and for the appellant Narayan Chauhan in CRA No.684 of 2012.

For Respondent/State :-

- Shri Rajnish Singh Baghel, Dy. Adv. General

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Judgment on Board

By

Prashant Kumar Mishra, J.

28-8-2019

1. The aforesaid appeals are being disposed of by this common judgment, as they are arising out of judgment dated 9-7-2012 passed by the Additional Sessions Judge, Bhatapara, in ST No.40 of 2009.

2. These six appeals have been preferred by six accused/appellant challenging their conviction and sentence as follows :

In respect of all the accused persons :

CONVICTION	SENTENCE
Under Sections 396 (*sic* 496), 302 and 201 of the IPC	SI for 3 years, imprisonment for life and SI for 1 year respectively with usual default stipulations

In respect of accused Laxman Chouhan, Narayan Chouhan & Shiv Prasasd Sahu :

CONVICTION	SENTENCE
Under Sections 468 of the IPC	SI for 1 year with usual default stipulation

3. Chaganlal (since deceased) was a resident of Devendra Nagar, Raipur. He executed an agreement (Ex.P/19) with one Shiv Prasad Purohit for purchase of 16.68 hectares of land at village Bundeli, PH No.24, Tehsil Nawagarh, District Durg. Accused Lakshman and Narayan were witness to the said agreement. It is said that accused Lakshman, Narayan & Shiv Prasad fabricated the said agreement to extract Rs.2.50 lacs from the deceased as advance. After the said agreement these three accused persons informed the deceased that some more land is available in the same patch where the earlier land has been agreemented and if he pays another sum of Rs.2.50 lacs

as advance the other patch of land shall also be sold to him.

4. On the date of incident deceased started from his house carrying Rs.2.50 lacs in a bag on the motorcycle bearing registration No.CG-04-CE-4357 (Bajaj Caliber). The deceased was carrying his mobile bearing No.94242 27881. The deceased informed his family members that he is going to village Limtara to meet accused Lakshman Chouhan. When the deceased did not return till the evening his son Tarun Patel (PW-5) lodged the missing report Ex.P/32 without naming any of the accused as suspect, albeit informing that the deceased had gone to make payment of advance amount for purchase of land.

5. During investigation of the missing report the police interrogated the accused persons mainly accused Lakshman. Lakshman gave his memorandum statement at 10.00 am on 3-6-2009 vide Ex.P/5 making confession to the police that he had called the deceased over his mobile at about 8.30 am on the date of incident i.e. 30-5-2009 and he along with accused Narayan, Nandu Sahu, Shiv Prasad Sahu, Raju Chouhan, Hanuman waited for the deceased near Mouni Mandir of village. At about 10.00 am deceased reached the house of Hanuman and immediately thereafter they bolted the door of

the house of Hanuman from inside and strangulated the deceased with the help of plastic rope with intent to commit loot of Rs.2.50 lacs and to save themselves from the earlier fraud committed by them with the deceased. Lakshman also informed that he has received Rs.95,000/- from the looted amount as his share and has also retained the golden chain belonging to the deceased and the dead body was thrown at the forest near Kharora which he can get recovered. This memorandum was recorded at Crime Branch, Police Station Ganj, Raipur. The police team thereafter reached Moharenga forest on Kharora to Tilda road and prepared the dead body identification inquest vide Ex.P/1 at 11.10 am. Dead body recovery panchnama mentioned as "*Dastyabi panchnama*" (Ex.P/2) was prepared showing recovery of the dead body from the place indicated by Lakshman Chouhan in his memorandum statement. Vide seizure memo (Ex.P/18) an amount of Rs.95,000/- and golden chain was recovered from Lakshman. He also confessed that he was carrying mobile bearing SIM No.99778 27423.

6. In course of investigation, the Investigating Officer recorded the memorandum statement and consequent recovery from each of the accused in the following manner :

Name of accused	Memorandum statement	Consequent Recovery
Lakshman Chouhan	Ex.P/5	Ex.P/18 (Rs.95,000/-, Golden Chain of the deceased)
Narayan Chouhan	Ex.P/10	Ex.P/11 (Rs.51,000/-)
Raju Chouhan	Ex.P/14	Ex.P/15 (Mobile of deceased, Rs.14,500/- Rs.10,000/-)
Hanuman Chouhan	Ex.P/8	Ex.P/9 (Rs.60,000/-, Motorcycle Bajaj Caliber, Helmet & Steel Dabba)
Nandu @ Narendra Sahu	Ex.P/12	Ex.P/13 (Rs.20,000/- & Maruti Van CG-04-H-9723)
Shiv Prasad Sahu	Ex.P/6	Ex.P/7 (Rs.10,000/- & Nokia Mobile Set)

7. The inquest was prepared vide Ex.P/3 on 3-6-2009 itself. In the document Ex.P/1 & Ex.P/3 the witnesses identified the dead body through small tobacco box, pieces of shirt, his face near the eyes and his old broken left leg and socks. The dead body was sent for autopsy, which was conducted by

examining the bones as the whole body of the deceased had decomposed.

8. The autopsy was conducted by Dr. B. Kathotiya (not examined) who submitted his report (Ex.P/28) which has been proved by the Investigating Officer. In the autopsy report no definite opinion was given about the cause and mode of death.

9. The bones of the dead body were thereafter sent for examination which was conducted by Dr. Ulhas Gonnade (PW-8) and he submitted his report vide Ex.P/26. Dr. Ulhas Gonnade (PW-8) did not accord any definite opinion about the cause and duration of death, however, he found that the bones brought to him for examination were morphologically human bone having male character and the age at death could be 50 years ± 5 years.

10. Merg intimation (Ex.P/27) at '0' was registered at PS Kharora at about 12.00 noon on 3-6-2009, after the memorandum statement of Lakshman. Some parts of the dead body were preserved for chemical examination, which was sent to the FSL vide Ex.P/42, but report of the same is not produced before the trial Court. Call details of the accused were obtained from the following mobile numbers :

Lakshman	99778 27423
Nandu	96698 67604
Shiv Prasad	96698 67826

11. The mobile call details have been filed as Article A-1 to A-8. The certificate of registration of particular mobile for which the call details were obtained has been produced vide Article A-9 for the mobile carried by the deceased. The said mobile's billing system entry number is in the name of Kalpesh Patel. Similarly, Article A-10 was the certificate for two mobile numbers i.e. 9669867604 & 9669867826 recovered from Nandu @ Narendra Sahu & Shiv Prasad, respectively. Both these mobiles were registered in the name of Lakshmi Bai Sahu having same address, but her husbands name are different. Article A-11 is the certificate for mobile No.9977827423 recovered from Lakshman Chouhan.

12. Diary statements of the witnesses were recorded and on the basis of the above mentioned evidence charge sheet was filed against all the accused persons.

13. The accused persons abjured the guilt and pleaded innocence and false implication.

14. The trial Court has convicted all the accused persons for commission of offence as mentioned above mainly on the basis of the memorandum statement and consequent seizure,

recovery of dead body at the instance of accused Lakshman and call details showing conversation between Lakshman and the deceased on the date of occurrence i.e. in the morning of 30-5-2009.

15. Conviction for offence under Section 468 of the IPC is on the basis of agreement (Ex.P/19) in which it is alleged that Shiv Prasad Sahu executed agreement by showing himself as Shiv Prasad Purohit and accused Lakshman and Narayan are the witnesses to the said document.

16. Assailing the conviction, Shri Uttam Pandey, Shri Alok Kumar Dewangan, Shri Ravindra Agrawal, Shri Ashutosh Mishra and Shri Satya Prakash Verma, learned counsel appearing for the respective appellants, strenuously urged that the evidence on record would establish that the dead body was already seen and found in the Moharenga forest in the night of 2-6-2009, therefore, recovery of the dead body at 11.30 am on 3-6-2009 is concoction of evidence to frame the accused Lakshman. They would submit that even if the memorandum statement and recoveries are proved, the same would not be conclusive for holding the appellants guilty for commission of the alleged offence. Learned counsel would also submit that merely on the basis of suspicion the accused cannot be booked for committing offence under Section 302

of the IPC, more so when the chain of circumstantial evidence is not complete and the prosecution case does not inspire confidence. They would next submit that there is no identification of any of the Article recovered from the appellants particularly the currency notes and the golden chain. Likewise the document of ownership of the motorcycle belonging to the deceased recovered from Hanuman though has been seized, but not proved, therefore, this evidence also would not nail the accused.

17. Criticizing the manner in which the investigation has been conducted, it is highlighted that the offence is said to have been committed in the house of Hanuman, but the police did not make any effort even to visit the place of occurrence and collect evidence of murder from the said place. Similarly, call details of the mobile of the deceased has not been obtained to ensure that the deceased had only called accused Lakshman and to no one else on the date of incident.

18. In an important submission, learned counsels would argue that the postmortem being not complete there is no evidence that the deceased died homicidal death, therefore, in absence of any evidence of last seen together, the accused persons cannot be convicted for committing murder of the deceased.

19. Shri Rajnish Singh Baghel, learned Dy. Advocate General, appearing for the State, *per contra*, would submit that the deceased spoke to Lakshman in the morning on the date of incident and thereafter, he made confessional statement that he along with other accused persons have committed murder in the house of Hanuman in whose house the motorcycle of the deceased has been recovered, therefore, chain of circumstantial evidence is complete.

20. Referring to the decision rendered by the Supreme Court in ***Anant Chintaman Lagu v The State of Bombay***[1] learned State counsel would argue that conviction for committing murder is possible or permissible even when the dead body has not been recovered whereas in the case at hand not only the dead body has been recovered, but the same has been identified by the witnesses, therefore, coupled with other circumstantial evidence the death is not only homicidal, but it is conclusively proved that the appellants have committed the offence.

21. Learned State counsel would lastly argue that recovery of the forged agreement (Ex.P/19) in course of investigation strengthens the case of prosecution that in order to conceal forgery and cheating as also to commit loot of Rs.2.50 lacs,

1 AIR 1960 SC 500

which the deceased was carrying on the date of occurrence, the accused persons committed murder of the deceased.

22. We have heard learned counsel appearing for the parties at length and perused the record.

23. We shall first consider the issue as to whether there is any evidence to establish that the deceased died homicidal death. There is no eyewitness account to the incident of commission of loot and murder. The deceased left his house from Devendra Nagar, Raipur at about 8.00 am and probably reached the place of occurrence at about 10.00 am, however, there is no witness who has seen the deceased after he left his house till the dead body of an unknown person was seen at the Moharenga forest. After the dead body was recovered vide Ex.P/2 the same was sent for postmortem which was conducted by Dr. B. Kathotiya (not examined). The autopsy surgeon has described the dead body in the following manner :

> At Mohrenga Khar at 1:30 pm on 03.06.2009 A human body in different part in different places decomposed & seem like Burn Body present.
>
> 1. Decomposed skull with maggots + black in colour Rt. Eye open Lt. Closed mouth closed, facial structure maintained, hair present Rt. parieto temporal region found

2. Thorax part with vertebra with Ribs with Lt. Arm decomposed organ maggot present.
3. Lt Lower limb with pelvis decomposed +, only bone structure present.
4. Rt. Lower limb decomposed +
5. Rt. Upper Limb with scapular bone decomposed +

24. The above description would demonstrate that the body was in different parts scattered in different places; decomposed and seems like burnt body. The autopsy surgeon did not record any injuries over any part of the body presented before him for autopsy. He concludes the report as follows :

> No definite opinion can be given. So body referred to MCH, Raipur, for expert opinion.

25. The autopsy surgeon could not even opine in respect of cause of death or mode of death. He has not mentioned any injuries. Thus, the postmortem is inconclusive as to the cause and manner of death. At the Medical College Hospital, Raipur the bones of the dead body were examined by PW-8 Dr. Ulhas Gonnade. His examination and final opinion needs reproduction which is mentioned as follows :

> Examination of Bone:-
>
> 1. All bones are male in character
> 2. Skull, mandible, 7 cervical Vertebra, 11-Thoracic Vertebra, 3 – Lumber Vertebra (which is burnt) Rt. and Lt. 8-8 ribs

present, bones of upper limb & lower limb present i.e. humerus, Radius, ulna, femur, tibia, fibula, scapula, clavicle, hip bone.

3. Sacrum received in two piece. Posterior aspect of one piece burnt.
4. Iliac crest of both hip bone burnt Lt. Ilium upper part missing.
5. Manubrium sterne & small bones of hands and feet are normal
6. Skull : complete obliteration of suture is present in upper & lower 1/3 part of coronal suture, most of part of saggital suture close approximation of suture present in middle part of coronal suture, pattern of lambdoid suture is also blunted in several part.
7. Ribs: wide broad thick
8. Teeth : Moderate attrition present on teeth first degree translucency present on root of teeth.

Hip Bone

Pubic symphyseal surface is flattered except few plates. Showing mild erosion both iliac fossae show thinning effect in entire part. Osteophytes growth seen at plates.

Scapula

Triangle formed at base of spine. Moderated stage of atrophy change. Seen at on the Intra scapular fossa part. Slight sharping effect present at glenoid margin.

Vertebrae

Body slightly flattened in thoracic vertebrae growth present with porosity in the body.

Opinion

1. No definite opinion can be given on cause & duration of death.
2. Morphologically human bone with male in character. Stature 173.7 ± 3.75 cm.
3. Age at Death could be 50 years ± 05.

26. Bare reading of the above opinion of Dr. Ulhas Gonnade (PW-8) would again manifest that he too did not accord any opinion about the cause and duration of death. His report was conclusive only for the aspect that the bones were morphologically human bone having male character and the age at death could be 50 years ± 5 years.

27. In view of the above medical reports there is no evidence that the deceased died homicidal death.

28. To ascertain as to whether in absence of medical evidence the death of deceased can still be held to be homicidal, we have to fall back on other circumstantial evidence which we shall be dealing with *infra*.

29. We shall now deal with the next issue relating to forgery or concoction of the agreement. This agreement was the genesis and the cause for commission of offence. The agreement

(Ex.P/19) was executed between the deceased and one Shiv Prasad Purohit. This document is said to have been executed by 'Shiv Prasad Sahu' by posing himself as 'Shiv Prasad Purohit' to receive the advance amount of Rs.2.50 lacs from the deceased on 30-3-2009. Accused Lakshman and Narayan have signed over this agreement as witnesses. Firstly, the Investigating Officer should have ascertained for proving that Narayan & Lakshman are party to the agreement as witnesses by sending this agreement for examination by handwriting expert by comparing the admitted signatures of Naryan & Lakshman, but the sad part of the story is that no such effort has been made by the Investigating Officer.

30. The Notary Ramkumar Sonkar, who has notarized the agreement, has been examined as PW-2, however, according to his statement, the document was brought by Shiv Prasad Purohit and Changanlal and was witnessed by Narayan & Tarun, S/o Vijay, but he admits that photograph of neither parties nor the witnesses have been affixed over the document and that the police has not recovered any other document proving that he had notarized the agreement. He also admits that he has never met Shatrughan nor his family members meaning thereby that the witnesses have not signed before him and, as such, were not present at the time of notarizing

the document. The prosecution should have ensured identification of Shatrughan, Narayan & Shiv Prasad Sahu from other witnesses in the Court, but that has not been done, therefore, this witness has not identified any of the three accused persons relating to this crime. Insofar as Shiv Prasad Sahu is concerned, this witness even does not name this accused in his entire statement. The agreement is signed by Shiv Prasad Purohit and not by Shiv Prasad Sahu.

31. It is the basic case of the prosecution that Shiv Prasad Sahu received the amount by impersonating Shiv Prasad Purohit even though Shiv Prasad Sahu does not own any land, however, in absence of any proof in that respect that any person has seen Shiv Prasad Sahu signing the document as Shiv Prasad Purohit, there is absolutely no evidence to nail any of the three accused persons namely; Shiv Prasad Sahu, Lakshman & Narayan for commission of offence under Section 468 of the IPC.

32. We shall now concentrate as to whether the dead body was seen on 2-6-2009 or it was seen and recovered after 11.00 am on 3-6-2009. PW-1 Basant Patel begins his deposition by saying that the dead body was found in the Moharenga forest on 2-6-2009. He speaks about all other procedures like identification of dead body vide Ex.P/1; Dastyabi inquest

(Ex.P/2); and dead body inquest (Ex.P/3) and thereafter about memorandum of the accused persons, seizure, etc. all conducted on 3-6-2009, however, the Kotwar of village Mohrenga namely; Toran Das (PW-4) has stated in para 8 of his statement that the police had called him at the place where the dead body was recovered at about 10.00 pm in the night. This witness has signed over the panchnama (Ex.P/3), which was prepared between 12.15 pm to 13.31 pm on 3-6-2009, therefore, when he says that he was called in the night at 10.00 pm at the place where the dead body was lying, he is referring to previous night i.e. 2-6-2009 and this is the exact statement made by PW-1 Basant Patel in the opening part of his statement that the dead body was recovered on 2-6-2009. With this evidence about finding of the dead body on 2-6-2009, the memorandum statement of the accused Lakshman leading to recovery of dead body on 3-6-2009 is of no consequence at least for this purpose because the dead body has already been seen in an open place on 2-6-2009 itself. This apart from the legal position as held by the Supreme Court in ***Bakshish Singh v The State of Punjab***[2] that mere recovery of dead body at the instance of accused is not conclusive to hold the accused guilty of

2 AIR 1971 SC 2016

committing murder. The Supreme Court would hold thus in para 8 :

> 8. Therefore the only incriminating evidence against the appellant is his pointing the place where the dead body of the deceased had been thrown. This, in our opinion, is not a conclusive circumstance though undoubtedly it raises a strong suspicion against the appellant. Even if he was not a party to the murder, the appellant could have come to know the place where the dead body of the deceased had been thrown. Further, as mentioned earlier, at the bank of the river where the dead body was thrown into the river, there were broken teeth and parts of the human body lying Hence anyone who saw those parts could have inferred that the dead body must have been thrown into the river near about that place.

33. In the above state of evidence in respect of recovery of dead body we hold that the dead body has not been recovered at the instance of accused Lakshman.

34. The Investigating Officer has recovered the cash, mobile and other articles belonging to the deceased, however, the currency notes recovered from each of the accused and the golden chain recovered from Lakshman has not been put to identification nor any of the articles have been produced in Court.

35. Motorcycle belonging to the deceased has been recovered from the accused Hanuman vide Ex.P/9 and the document of ownership, registration of the said motorcycle has been

recovered from PW-5 Tarun Patel vide Ex.P/16, but the ownership of the motorcycle has not been proved by examining any witnesses from the Transport Department nor the registration book, etc. has either been tendered as evidence before the Court nor proved in course of evidence. Thus, recovery of motorcycle belonging to the deceased from accused Hanuman is of no consequence.

36. There is some doubt that the deceased having called accused Lakshman in the morning on 30-5-2009 when he left his house at Devendra Nagar, Raipur, there was some connectivity between Lakshman and the deceased, but only for this neither Lakshman nor any other accused could be convicted for committing loot and murder when there is lack of corroborative evidence in the nature of last seen together or extra judicial confession or recovery of weapon and more so when it is not fully established that the deceased died homicidal death.

37. It is settled law that mere suspicion, howsoever strong, cannot take place the proof of guilt of the accused persons for committing murder.

38. In ***Sujit Biswas v. State of Assam***[3], the Supreme Court has held that suspicion, however, strong cannot take place of proof. Para 6 is quoted below :

> "6. Suspicion, however grave it may be, cannot take the place of proof, and there is a large difference between something that `may be' proved, and something that `will be proved'. In a criminal trial, suspicion no matter how strong, cannot and must not be permitted to take place of proof. This is for the reason that the mental distance between `may be' and `must be' is quite large, and divides vague conjectures from sure conclusions. In a criminal case, the court has a duty to ensure that mere conjectures or suspicion do not take the place of legal proof. The large distance between `may be' true and `must be' true, must be covered by way of clear, cogent and unimpeachable evidence produced by the prosecution, before an accused is condemned as a convict, and the basic and golden rule must be applied. In such cases, while keeping in mind the distance between `may be' true and `must be' true, the court must maintain the vital distance between mere conjectures and sure conclusions to be arrived at, on the touchstone of dispassionate judicial scrutiny, based upon a complete and comprehensive appreciation of all features of the case, as well as the quality and credibility of the

3 AIR 2013 SC 3817

> evidence brought on record. The court must ensure, that miscarriage of justice is avoided, and if the facts and circumstances of a case so demand, then the benefit of doubt must be given to the accused, keeping in mind that a reasonable doubt is not an imaginary, trivial or a merely probable doubt, but a fair doubt that is based upon reason and common sense. (Vide: Hanumant Govind Nargundkar & Anr. v. State of M.P., AIR 1952 SC 343; State through CBI v. Mahender Singh Dahiya, AIR 2011 SC 1017; and Ramesh Harijan v. State of U.P., AIR 2012 SC 1979)".

39. For the aforestated reasons, we are inclined to hold that the prosecution has failed to prove any of the charge against the accused persons.

40. As a sequel, all the appeals deserve to be and are hereby allowed.

41. Conviction and sentence imposed upon all the appellants under Section 302, 396 & 201 of the IPC are set aside and they are acquitted of the said charges. Further, conviction and sentence imposed upon appellants namely, Laxman Chouhan, Narayan Chouhan & Shiv Prasad Sahu under Section 468 of the IPC are also set aside and they are acquitted of the said charge.

42. Appellants namely; Shiv Prasad Sahu, Nandu @ Narendra Sahu, Narayan Chouhan, Raju Chouhan and Hanuman Chouhan are reported to be on bail. Their bail bonds shall remain in operation for a period of 6 months in view of the provisions contained under Sections 437-A of the CrPC. They shall appear before the Higher Court as and when directed.

43. Appellant Laxman Chouhan is in jail. He be set at liberty forthwith unless required to be detained in any other case, on his furnishing a personal bond for a sum of Rs.25,000/- with a surety in the like sum to the satisfaction of the trial Court. The bail bonds shall remain in operation for a period of 6 months in view of the provisions contained under Section 437-A of the CrPC. He shall appear before the higher court as and when directed.

Sd/- Sd/-

(Prashant Kumar Mishra)
Judge

(Gautam Chourdiya)
Judge

Gowri