

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

O R D E R

D.B. CRIMINAL MISC. SUSPENSION OF SENTENCE APPLICATION  
NO. 135/ 2016

IN

D.B. CRIMINAL APPEAL NO. 1303/ 2015

SMT. KAMLESH DEVI BAIRWA Vs. THE STATE OF RAJASTHAN

DATE: 29.02.2016

HON'BLE MR. JUSTICE AJIT SINGH, ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Sh. Shri Ram Joshi, for the applicant/ appellant.  
Mr. N.S. Shekhawat, Public Prosecutor for the State.

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Heard on D.B. Criminal Misc. Bail Application No.135/ 2016,  
which is an application for suspension of sentence and grant of bail, filed  
on behalf of appellant Smt. Kamlesh Devi Bairwa.

Smt. Kamlesh Devi Bairwa along with her co-accused husband  
Ramniwas Meena has been convicted under Section 302 of the Indian  
Penal Code for committing murder of Hanuman.

There is no eye-witness to the incident and the entire case of  
the prosecution is based on circumstantial evidence, mainly quarrel and  
last seen. The post-mortem examination report does not indicate that  
any injury was caused to Hanuman. The FSL report however indicates  
that cause of death of Hanuman was due to consumption of methyl  
alcohol. But there is no evidence to show that Smt. Kamlesh Devi had  
administered methyl alcohol to Hanuman.

On due consideration of the facts and circumstances of the  
case and also considering the fact that Kamlesh Devi Bairwa is a woman,  
we deem it proper to suspend the sentence awarded to the appellant.

Accordingly, the bail application is allowed and it is ordered  
that the sentence of appellant Smt. Kamlesh Devi Bairwa W/o Shri  
Kaluram shall remain suspended till the disposal of the appeal and she  
shall be released on bail, provided she furnishes a personal bond in the

sum of Rs.50,000/- with one surety in the like amount each to the satisfaction of the trial court to the effect that she shall appear before this court on 29.03.2016 and thereafter as and when called upon to do so.

(MAHESH CHANDRA SHARMA), J.

(AJIT SINGH), ACTING C.J.

/ KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR  
Sr.P.A.

