

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 223 of 2016

- Girdhari Yadav S/O Sri Dervachan Yadav Aged About 22 Years R/O Village Jhulanwar Police Station Dharamjaigarh, District Raigarh Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Dharamjaigarh, District Raigarh Chhattisgarh.

---- Respondent

05-04-2016	Mr. Amit Singh, counsel for the appellant. Mr. Vivek Sharma, Govt. Advocate for the State. Heard on I.A.No.1 of 2016, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 30-01-2016 passed by Additional Sessions Judge (Fast Track Court), Raigarh, District Raigarh in Special Case No. 39 of 2015, the accused/appellant stands convicted under Section 6 of Protection of Children from Sexual Offence Act, 2012 and under Sections 363 & 366 of the IPC and sentenced to undergo life imprisonment and to pay fine of Rs.5,000/-, in default of payment of fine, to undergo additional RI for six months, RI for three years and to pay fine of Rs.200/-, in default of payment of fine, to undergo additional RI for two months and RI for five years and to pay fine of Rs.200/-, in default of payment of fine to undergo additional RI for three months. All the sentences are directed to run concurrently. Learned counsel appearing for the appellant submits that there is inordinate delay in lodging the first information report and from the evidence, it is clear that prosecutrix was	

Raju	having affair with the appellant. It has been argued that there is no legally admissible evidence showing the prosecutrix to be a minor, therefore, the appellant is entitled for bail. On the other hand, counsel for the State opposes the bail application. Considering the totality of the case, in particular, the statement of the prosecutrix and the evidence related to her age, without further commenting on merit, 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 and it is directed that the jail sentence imposed upon the appellant Girdhari Yadav in Special Case No. 39 of 2015 shall remain suspended during 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 the like sum to the satisfaction of the trial Court. The appellant is exempted from giving personal appearance anywhere unless otherwise directed. Certified copy as per rules. Sd/- (Pritinker Diwaker) Judge Sd/- (I.S. Uboweja) Judge	
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