

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 112 OF 2018

Chandrika Uraon, S/o Laxman Uraon, Aged About 45 Years, R/o Village Paldha, Pandopara, P. S. Pratappur, District Surajpur Chhattisgarh. **---- Appellant**

Versus

State Of Chhattisgarh, Through P. S. Pratappur, District Surajpur Chhattisgarh.

---- Respondent

09/05/2018	Shri Apoorva Tripathi, counsel for the Appellant. Shri Avinash K. Mishra, P.L. for the State/Respondent. Heard on I.A. No.02/2018, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 30.06.2017 passed by the Additional Sessions Judge, Pratappur, District Surajpur (C.G.) in Sessions Trial No.05/2017, the accused/appellant stands convicted under Sections 376(2)(f)(n), 363, 366, 506 of the Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') and sentenced to undergo R.I. for twelve years with fine of Rs. 2,000/- under Section 376(2)(f)(n) IPC, R.I. for three years with fine of Rs. 500/- under Section 363 IPC, R.I. for five years with fine of Rs. 500/- under Section 366 IPC, R.I. for one year under Section 506 IPC and no sentence is awarded under Section 4 of the POCSO Act plus usual default stipulations. Learned Counsel for the appellant submits that the prosecutrix was a consenting party and had physical relation with the appellant on numerous

occasions. It has been argued that the prosecutrix remained with the appellant for sufficient time without offering any resistance or protest. He submits that there is no legally admissible evidence showing the prosecutrix to be minor and even her medical report does not support the case of the prosecution.

On the other hand, learned State Counsel opposes the bail application.

We have heard learned counsel appearing for the parties.

Considering the totality of the facts and circumstances of the case, particularly, the statement of prosecutrix and evidence related to her age, without further commenting on merits of the case, we are of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, I.A. No.02/2018 is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the trial Court. The appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(Sanjay Agrawal)
Judge