



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 180 of 2025

Rakesh Lahre S/o Soukhi Lahre Aged About 30 Years R/o Ward No. 12,
Sirgitti Government Primari School, P.S. Bilaspur, District- Bilaspur (C.G).
Permanent Address- Janta Colony, Gudhiyari Quarter No149, Raipur
(C.G.). **... Appellant**

versus

State Of Chhattisgarh Through- S.H.O. Amleshwar, District- Durg (C. G.).
... Respondent

Order Sheet

22/08/2025	Mr. Praveen Dhurandhar, counsel for appellant. Ms. Priya Sharma, P.L. for State. Mr. Shikhar Bakhtiyar, counsel for Objector/victim. Heard on I.A. No.01/2025, application under Section 430 of BNSS, 2023 for suspension of sentence and grant of bail. By the impugned judgment dated 07.12.2024 passed by learned Additional Sessions Judge, 4th FTSC, Special Court, Durg (CG) in Special Criminal Case (POCSO) No. 134/2023, the appellant has been convicted and sentenced
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as under:-

Conviction	Sentence
U/s 376 (2) N of IPC	R.I. for 10 years and fine of Rs. 5,000/-, in default of payment of fine, additional R.I. for 1 month.

Learned counsel for appellant submits that the appellant is innocent and he has been falsely implicated in this case. He submits that the trial Court, not believing the single date of incident mentioned in the written complaint as 01.07.2022 and considering the date of birth of the victim as 27.10.2004, acquitted the accused of the offence under the POCSO Act. He submits that considering the entire evidence, in para-48 of its judgment, the trial Court held the victim to be a consenting party. Apart from 01.07.2022, no other date of incident is mentioned in the written complaint. The FIR was registered on 18.09.2023 i.e. about 14 months after the date of incident mentioned in the written complaint as 01.07.2022. He further submits that the appellant is in jail since 18.09.2023 i.e. for about 1 year 11 months, the appeal being of the year 2025, there is no likelihood of its early final disposal. Therefore, considering all these facts the jail sentence of the appellant may be suspended till the final disposal of the appeal.

On the other hand, learned counsel appearing for the State and the Objector opposed the bail application and submitted that the appellant committed sexual intercourse with the victim on 01.07.2022 on the pretext of marriage while he was a married person and when the victim came to know about this fact, she made a written complaint.

Khatai	Heard learned counsel for the parties and perused the record. Considering the entire facts and circumstances of the case, particularly the fact that the appellant is in jail since 18.09.2023 i.e. for about 1 year & 11 months and the final disposal of this appeal is likely to take considerable time and also considering the material available on record, without commenting on merits of the case, I am inclined to suspend the jail sentence imposed upon the appellant. Accordingly, I.A. No. 01/2025 for suspension of sentence and grant of bail is allowed. It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended till final disposal of this appeal and he shall be released on bail on his executing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 28th October, 2025. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and thereafter, continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court till disposal of this appeal. Record of the Trial Court has already been received. List the case for final hearing in due course. Sd/- (Sanjay Kumar Jaiswal) Judge
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