

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 268 of 2022

Pukhraj Sahu S/o Karun Sahu, Aged About 25 Years R/o Village Birgudi,
Kalarpara, Police Station Sihawa, Dhamtari Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Sihawa, District Dhamtari Chhattisgarh.

----Respondent

01.02.2024	Shri Sanjeev Kumar Sahu, learned counsel for the appellant. Shri Ajay Pandey, learned Government Advocate for the respondent/State. Heard on IA-1 of 2022, application for suspension of sentence and grant of bail under Section 389 of the CrPC. Appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 17.01.2022 passed in Session Trial -57 of 2019 by the learned Additional Sessions Judge (FTC), Dhamtari in the following manner with a direction to run the sentences concurrently: <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Sections 376(2) and 376 (4) of the IPC</td><td>RI for 10-10 years and fine of Rs.2,000/- and Rs.2,000/-, in default of payment of fine, 3-3 months additional RI</td></tr><tr><td>Under Section 417 of the IPC</td><td>RI for 1 year and to pay fine of Rs.500/-, in default of payment of fine</td></tr></table>	Conviction	Sentence	Under Sections 376(2) and 376 (4) of the IPC	RI for 10-10 years and fine of Rs.2,000/- and Rs.2,000/-, in default of payment of fine, 3-3 months additional RI	Under Section 417 of the IPC	RI for 1 year and to pay fine of Rs.500/-, in default of payment of fine
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Under Section 417 of the IPC	RI for 1 year and to pay fine of Rs.500/-, in default of payment of fine						

	amount, additional RI for 3 months
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Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in the case. The prosecutrix was fully grown up lady and has made physical relationship with the appellant, by which she conceived pregnancy and had not lodged any report at the initial point of time regarding the incident, but it is only when the present appellant is not accepting her relationship, she lodged a report. The conduct of prosecutrix is suspicious. During the trial appellant was on bail and from the date of judgment, ie from 17.01.2022, he is in jail. The appeal is of the year 2022, and it will take some time for its final adjudication, therefore, appellant may be enlarged on bail.

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

Heard learned counsel for the parties and perused the record of the trial Court.

Considering the submissions made by learned counsel for the parties, particularly, the allegation made against the appellant, evidence of the prosecutrix as well as the other witnesses, and also considering that the appeal may take its own time and he is in jail

since 17.01.2022, I am inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, IA-1 of 2022 is allowed.

It is directed that the 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.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **19th March**, 2024. He shall thereafter, appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this appeal.

List the case for final hearing.

Certified Copy of the order as per rules.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

padma