



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 558 of 2025

Sajid Lakhani S/o Shri Abdul Salim Aged About 26 Years Permanent R/o Bazar Para Ward No. 11, Saraipali, Police Station Saraipali, District Mahasamund, Chhattisgarh.

... Appellant

versus

State of Chhattisgarh Through Station House Officer, Police Station Tikara Para, District Raipur, Chhattisgarh.

... Respondent

Order Sheet

24/04/2026	The appellant has been convicted and sentenced by judgment dated 04.03.2025 passed in Special Criminal Case No.3/2024 by the learned Special Judge under SC & ST (Prevention of Atrocities) Act, Raipur, District Raipur, as under: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Offence Under Section</u></th><th style="text-align: center;"><u>Sentence</u></th></tr> </thead> <tbody> <tr> <td>376(2)(k)(n) of the Indian Penal Code</td><td>10 Years rigorous imprisonment with fine of Rs. 2000/-. In default, 2 months R.I. more.</td></tr> </tbody> </table>	<u>Offence Under Section</u>	<u>Sentence</u>	376(2)(k)(n) of the Indian Penal Code	10 Years rigorous imprisonment with fine of Rs. 2000/-. In default, 2 months R.I. more.
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	<table border="1" data-bbox="539 237 1465 439"> <tr> <td data-bbox="539 237 1002 439">3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989</td><td data-bbox="1002 237 1465 439">Life imprisonment with fine of Rs. 2000/-. In default, 2 months R.I. more.</td></tr> </table> Heard Mr. Satya Prakash Verma, learned counsel for the appellant as well as Mr. Sourabh Sharma, learned Panel Lawyer for the State/respondent on IA No. 1/2025, which is an application for suspension of sentence and grant of bail as well as IA No. 2/2026, which is an application for grant of temporary / interim bail. Case of the prosecution, in brief is that the appellant lured the victim, belonging to scheduled caste community, by promising to marry her and committed forceful sexual intercourse with her and impregnated her and later, without the consent of the victim, got the pregnancy terminated by giving her pills. It has been argued by learned counsel for the appellant that and the appellant has been falsely implicated in the crime. The victim belongs to scheduled caste community and the appellant belong to Muslim religion and as such, he has been made accused in this case whereas there was a love affair between the two. The appellant was on bail during the trial and has never misused the liberty, however, after conviction, he has again been sent to the jail. The relationship between the	3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989	Life imprisonment with fine of Rs. 2000/-. In default, 2 months R.I. more.
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appellant and the victim was consensual. There are omissions and contradictions in the statement of the prosecution witness and since the conclusion of the appeal would take some time, and he is in jail since 04.03.2025, he may be released on bail. It is further stated by Mr. Verma that the appellant is also suffering from certain ailments in his nose for which the Doctor has advised for surgery at AIIMS, Raipur or Medical College Hospital, Raipur and for the said limited purpose, the appellant may be released on bail.

In support of his contentions, Mr. Verma places reliance on the decision of the Apex Court in ***Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra & Others*** {2019 (1) CCSC 436 (SC)}, ***Pramod Suryabhan Pawar v. State of Maharashtra*** {2019 (4) SCC 2165 (SC)}, ***Maheshwar Tigga v. State of Jharkhand*** {2021 (1) CCSC 304 (SC)}, ***Sonu @ Subhash Kumar v. State of U.P. & Another*** {2021 (3) CCSC 1285 (SC)}, ***Prashant v. State of NCT of Delhi*** {2024 INSC 879}, and a judgment of this Bench in ***Nabi Alam Khan v. State of Chhattisgarh*** {2026:CGHC:12088-DB}.

On the other hand, Mr. Sourabh Sahu, learned Panel Lawyer appearing for the State/respondent would object to the above applications and submit that the appellant, knowingly that

the victim belonged to scheduled caste community has exploited the victim by luring her to marry but when she became pregnant, the appellant got the pregnancy terminated and later started keeping distance with the victim which clearly shows the intention of the appellant. The learned trial Court, after appreciating the evidence on record and after examining the cross-examination of the witnesses, has rightly come to the conclusion regarding guilt of the appellant, which is just and proper.

There is no dispute with respect to the ratio laid down by the Apex Court on various issues in the decisions cited above, however, it is a settled principle that the ratio of a judgment must be understood in the context of the facts in which it was rendered, and cannot be applied in a vacuum. In the present case, the appellant was charged under Section 376(2)(k)(n) IPC and Section 3(2)(v) of the Atrocities Act, alleging that in between 23.07.202 to 20.05.2023, he committed forceful sexual intercourse with the victim by luring her to marry and when the victim became pregnant, he got the pregnancy terminated by giving her pills without her consent. After terminating the pregnancy, the appellant started distancing himself from the victim which clearly reflects the intention of the appellant that he

merely wanted to exploit the victim for his own pleasure. The authorities referred by the learned counsel for the appellant, are distinguishable on facts.

The victim (PW-2) in her deposition before the Court has clearly stated that the appellant had promised that he would marry her and forcefully committed rape upon her for the first time on 23.07.2022. Thereafter, till 22.05.2023, the appellant continued such activities and all of a sudden broke all relationship and even did not talk to the victim. When she informed the appellant that she was pregnant, she was administered pills for terminating the pregnancy which was given by the appellant himself. The victim requested the appellant several times to marry but he denied. Even when the victim attempted to meet the appellant at his village, she was not even allowed to meet the appellant.

The deposition made by the victim is clear and unambiguous. In the case of ***Ganesan v. State*** {(2020) 10 SCC 573}, the Supreme Court observed and held that that there can be a conviction on the sole testimony of the victim/prosecutrix when the deposition of the prosecutrix is found to be trustworthy, unblemished, credible and her evidence is of sterling quality. In the case of ***State (NCT of Delhi) v. Pankaj Chaudhary***,

{{(2019) 11 SCC 575}}, it was observed and held that as a general rule, if credible, conviction of accused can be based on sole testimony, without corroboration. It was further observed and held that sole testimony of prosecutrix should not be doubted by court merely on basis of assumptions and surmises.

In the case of ***Sham Singh v. State of Haryana***, {(2018) 18 SCC 34}, the Supreme Court observed that testimony of the victim is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of the victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. It was further observed that seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury.

Considering the fact that the victim girl belongs to scheduled caste community and the appellant, despite being aware of the said fact, has exploited the girl and impregnated her and later also caused termination of the pregnancy and started distancing from the victim, is a clear case of sexual exploitation. The victim has been subjected to forceful sexual intercourse on the pretext of marriage, we deem it appropriate to reject the

application (IA 1/2026) for suspension of sentence and grant of bail, and (IA 2/2026), application for grant of temporary/interim bail, at this stage.

Accordingly, IA No. 1/2026 and 2/2026, stand disposed of.

Let the matter be listed for final hearing in due course.

Needless to say that if the appellant is suffering from nose ailment, the concerned Jail Superintendent shall get the appellant treated in accordance with the Jail Manual.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE