



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 730 of 2025

1 - Pushpendra Sidar @ Monu S/o Bholanath Sidar, Aged About 24 Years, R/o Village - Chhote Rabeli, Police Station - Malkharouda, District - Sakti (C.G.)

--- **Appellant**

versus

1 - State of Chhattisgarh Through - Police Station - Malkharouda, District Janjgir-Champa (C.G.), (Ammendment Done As Per Honble Court Order Dated 09.04.2025)

--- **Respondent**

CRA No. 1159 of 2025

1 - Kalaram Sidar @ Shekhar Karsh S/o Kanhaiya Lal Karsh, Aged About 25 Years, Resident of Village Chhote Rabeli, Police Station Malkharouda, District Sakti (C.G.)

---**Appellant**

Versus

1 - State of Chhattisgarh Through Police Station Malkharouda, District Janjgir-Champa (Now Sakti) (C.G.)

... **Respondent**

14-10-2025	Mr. Lavkush Kumar Sahu, Advocate for the appellants. Mr. Karan Kumar Baharani, Panel Lawyer for the State/respondent.

Heard on I.A. No.01/2025 filed in both these criminal appeals, which are applications for suspension of sentence and grant of bail.

The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 27-02-2025 passed by the learned Additional Sessions Judge (F.T.C.), Sakti, District Janjgir-Champa (C.G.) in Special Criminal Case No.09/2024 in the following manner with a direction to run all the jail sentences concurrently:-

Conviction	Sentence
U/s 363/34 of the IPC	R.I. for 05 years and fine of Rs.3,000/-, in default of payment of fine additional R.I. for 02 months,
U/s 366/34 of the IPC	R.I. for 07 years and fine of Rs.5,000/-, in default of payment of fine additional R.I. for 03 months,
U/s 506-I of the IPC	R.I. for 1 year and fine of Rs.2,000/-, in default of payment of fine additional R.I. for 1 month.

Learned counsel for the appellants would submit that the maximum sentence awarded to the appellants is of 7 years, they have already undergone for about 1 year and 9 months of jail sentence. He would further submit that father of the victim has not been examined and the mother of the victim has turned hostile before the trial Court. There is material omissions and contradictions in the evidence of the victim with respect to the alleged incident. The victim has not raised any objection when she was being taken to Sikandrabad. There is no clinching evidence with respect to her age that she was minor on the date of incident and cousin sister of the victim with whom she had gone to Sikandarabad has not been made accused in the case and the appellants who helped her sister have been made accused in the case. The appeals are of year 2025 and final hearing of the same will take its own time. Therefore, the

appellants may be released on bail.

On the other hand, learned counsel for the State opposes and has submitted that the victim has been examined as PW-10 and she categorically supported the prosecution's case and disclosed about the manner in which she was subjected to alleged offence. The victim was aged about 12 years at the time of incident which has been proved from the school record. There are sufficient evidence available on record against the appellants and therefore, they are not entitled for bail.

I have heard learned counsel for the parties and perused the record of the trial Court.

Considering the submissions made by learned counsel for the parties, considering the evidence of PW-10 who is victim of the offence in which she categorically deposed about the incident and the manner in which she was subjected to the offence by the accused persons, the age of the victim, I am not inclined to release these appellants on bail.

Accordingly, I.A. No.01/2025 filed in CRA No.730/2025 and I.A. No.01/2025 filed in CRA No.1159/2025 by the appellants are rejected.

List these appeals after four weeks for final hearing.

Sd/-
(Ravindra Kumar Agrawal)
Judge