

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 650 of 2022**

Ajay Kumar Chauhan S/o Rajaram Chauhan, Aged About 22 Years
 R/o Ghoghra Kotba, Police Station Bagbahar, District Jashpur
 Chhattisgarh, District : Jashpur, Chhattisgarh

---- Petitioner**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
 Station Bagbahar, District Jashpur Chhattisgarh, District : Jashpur,
 Chhattisgarh

---- Respondent

25.07.2024	Heard Dr. Shailesh Ahuja, learned counsel for the Appellant and Ms. Pushplata Khalkho P.L. for the State/ Respondent on the instant application for suspension and grant of bail (I.A. No. 01/2024) By the impugned judgment of conviction and order of sentence dated 07.03.2022, passed by learned Additional Sessions Judge, Patthalgoan, District Jashpur (C.G), in Sessions Case No.10/2021, whereby the appellant has been convicted and sentenced as unde <table border="1"> <thead> <tr> <th><u>Conviction</u></th><th><u>Sentences</u></th></tr> </thead> <tbody> <tr> <td>Under Section 323 of IPC</td><td>Sentenced to R.I. for 6 months and fine of Rs. 100/-, in default of payment of fine 3 month R.I</td></tr> </tbody> </table>	<u>Conviction</u>	<u>Sentences</u>	Under Section 323 of IPC	Sentenced to R.I. for 6 months and fine of Rs. 100/-, in default of payment of fine 3 month R.I
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Under Section 323 of IPC	Sentenced to R.I. for 6 months and fine of Rs. 100/-, in default of payment of fine 3 month R.I				

Under Section 376 of IPC	Sentenced to R.I. for 10 years and fine of Rs. 1000/-, in default of payment of fine 1 year additional R.I.
All sentences to run concurrently	

Learned Counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in connection with the alleged crime. He further submits that the appellant is in jail since 20.03.2021 has already undergone more than three years. It is further contended that the appeal will take some considerable time for its conclusion. Hence, the appellants have filed the instant application for suspension of sentence and grant of bail.

An objection has been filed on behalf of State/respondent. It was argued by Ms. Pushplata Khalkho, P.L. for the state that on 19.03.2021 prosecutrix lodged a report to the effect that accused Ajay Chouhan forcefully took her in motorcycle and committed sexual intercourse with her against her will. It is pertinent to mention here that while doing so he not only raped the prosecutrix but also physically assaulted her. Hence, there are ample of evidence on record to connect the appellant with the aforementioned commission of the offence. The findings arrived at by the learned Trial Court is just and proper.

I have heard learned counsel for the parties and perused the

records of the Court below.

Learned trial Court found that appellant has forcefully taken the prosecutrix/victim in his motorcycle towards Semar Puliya and they committed forceful sexual intercourse with her against her will and without her consent. During the rape he also physically harmed the prosecutrix/victim. FSL report is also positive, this Court finds it appropriate to reject the application for suspension of sentence and grant of bail, at this stage.

Accordingly, I.A. No. 01/2024 is rejected.

List this case for final hearing in its due course.

Sd/-

(Arvind Kumar Verma)
Judge