



2026:CGHC:18913-DB

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### CRA No. 896 of 2024

Rajinna Durgam S/o. Samiya Durgam Aged About 33 Years R/o Annaramm,  
P.S. Kotapalli District Mancheriyal (Telangana) Present Address -  
Panarapara Bijapur P.S. And District Bijapur Chhattisgarh.

... Appellant

versus

State Of Chhattisgarh Through Police Station Bijapur District Bijapur  
Chhattisgarh.

... Respondent

(Cause title taken from Case Information System)

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For Appellant        | : | Mr. Pravin Kumar Tulsyan, Advocate  |
| For Respondent/State | : | Mr. Shailendra Sharma, Panel Lawyer |

Hon'ble Shri Ramesh Sinha, Chief Justice  
Hon'ble Shri Ravindra Kumar Agrawal, Judge

### Judgment on Board

Per Ramesh Sinha, Chief Justice

24/04/2026

1. This criminal appeal has been preferred by the appellant under section 374 (2) of the Criminal Procedure Code against the impugned judgement dated 05.04.2024 passed by learned Additional Sessions Judge (FTC), Dantewada, District South Bastar Dantewada, in Special Sessions (POCSO) Case No. 12/2022,



whereby the appellant has been convicted and sentenced in the following manner:

| Conviction                                                            | Sentence                                                                                             |
|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| U/s 4(2) of the Protection of Children from Sexual Offences Act, 2012 | R.I. for 20 years with fine of Rs. 5,000/-, in default of payment of fine further R.I. for one year. |
| Under Section 4 of the Dowry Prohibition Act, 1961                    | R.I. for 1 year with fine of Rs. 5,000/-, in default of payment of fine further R.I. for one year.   |
| All the sentences are directed to run concurrently.                   |                                                                                                      |

2. Since the sentence under Section 4(2) of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') has been awarded, the learned Trial Court noted that the conviction under Section 376(3) of the IPC merges therein for the purpose of sentencing as per Section 42 of the POCSO Act, ensuring the appellant is punished under the provision carrying the greater degree of punishment.
3. The brief facts of the case are that on 20.01.2022, a written complaint (Exhibit P-5) was submitted by the victim before Police Station Bijapur stating therein that her engagement with the present appellant had been solemnized with the consent of both families, and thereafter the appellant, on the pretext of marriage, established physical relations with her against her will and later demanded dowry for marriage. It was further alleged that upon refusal to fulfill the said demand, the appellant declined to marry her. On the basis of the said complaint, the police registered First Information Report (Exhibit P-6) in Crime No. 10/2022 for the offences under Sections 376 and 506 of



the IPC and Section 4 of the POCSO Act and Section 4 of the Dowry Prohibition Act against the appellant and commenced investigation.

4. During the course of investigation, the victim was sent for medical examination to the District Hospital, Bijapur, pursuant to which her medical examination was conducted and report (Exhibit P-8) was prepared. The medical officer did not find any external or internal injuries on the body of the victim and opined that no definite conclusion regarding recent sexual intercourse could be given. The victim was found to be physically developed and her hymen was noted to be ruptured. During examination, samples including pubic hair, perineal slides and swabs, high vaginal slides and swabs and nail clippings were collected, sealed and handed over to the police for chemical examination. The seized articles were thereafter sent to the Forensic Science Laboratory, and as per the FSL report (Exhibit P-16), human spermatozoa were detected on certain exhibits, though no conclusive opinion regarding the alleged offence could be drawn therefrom.
5. With respect to the age and date of birth of the victim, during investigation the police seized the admission discharge register of the School, vide seizure memo (Exhibit P-2), wherein the date of birth of the victim was recorded, and after retaining its attested copy (Exhibit P-4C), the original register was handed back to the school authorities on supurdnama (Exhibit P-3). The spot map of the place of occurrence was prepared by the Investigating Officer (Exhibit P-7) and a map was also prepared by the Patwari (Exhibit P-17). The appellant was arrested on 01.02.2022 vide arrest memo (Exhibit P-



11) and was thereafter sent for medical examination to the District Hospital, Bijapur, where he was examined by the medical officer, who opined in his report (Exhibit P-13) that the appellant was physically fit and capable of performing sexual intercourse.

6. During the course of investigation, the statements of the witnesses were recorded under Section 161 of the Code of Criminal Procedure and the statement of the victim was also recorded under Section 164 of the Code of Criminal Procedure. After completion of the usual investigation, charge-sheet was filed before the competent Court for the offences under Sections 376 and 506 of the Indian Penal Code and Section 4 of the POCSO Act along with Section 4 of the Dowry Prohibition Act, 1961. The case being triable by the Court of Sessions, it was committed to the Court of Sessions and thereafter transferred to the Court of the learned Additional Sessions Judge (F.T.C.), South Bastar, Dantewada for trial in accordance with law.
7. The learned trial Court, after considering the material available on record, framed charges against the appellant for the offences under Sections 376(3) and 506 of the Indian Penal Code, Section 4 of the POCSO Act and Section 4 of the Dowry Prohibition Act, 1961. The appellant denied the charges, abjured his guilt and claimed to be tried.
8. In order to prove the charges against the appellant, the prosecution has examined as many as 8 witnesses. The statement of the appellant under Section 313 of the Code of Criminal Procedure was also recorded, in which he denied all the incriminating circumstances



appearing against him, pleaded innocence and stated that he has been falsely implicated in the present case.

9. After considering the evidence available on record, the learned trial Court has convicted and sentenced the appellant as mentioned in the earlier part of the judgment. Hence, this appeal.
10. Learned counsel for the appellant has argued that the prosecution has failed to prove the case against the appellant beyond reasonable doubt. It is contended that there is no legally reliable and admissible evidence to establish that the victim was below 18 years of age at the time of the alleged incident. The school admission and discharge register, on the basis of which the age has been determined, has not been proved in accordance with law, as neither the author of the entry nor the basis of recording the date of birth has been established, and the same is further contradicted by the statements of the victim and her parents. It is further submitted that the evidence on record clearly indicates that the appellant and the victim were in a consensual relationship arising out of their engagement, and the victim has admitted that the appellant used to visit her and they were in contact even after engagement. There is no evidence of any forceful sexual intercourse, and the medical evidence also does not support the prosecution case. It is also argued that the allegation of dowry demand is not supported by any independent evidence and appears to be an afterthought. Therefore, the essential ingredients of the offences under the IPC, POCSO Act and the Dowry Prohibition Act are not made out, and the appellant is entitled to be acquitted.



11. On the other hand, learned counsel for the State opposed the appeal and contended that the victim was a minor at the time of the incident, which stands duly proved by the school admission and discharge register (Exhibit P-4C), wherein her date of birth is recorded as 07.05.2008. It is submitted that the said document is a valid and admissible piece of evidence for determination of age, and the learned trial Court has rightly relied upon the same. It is further contended that the testimony of the victim clearly establishes that the appellant had established physical relations with her against her will on the pretext of marriage, and such consent, if any, is immaterial in view of her minority. It is also argued that the prosecution has duly proved the demand of dowry by the appellant, and the findings recorded by the learned trial Court are based on proper appreciation of evidence. Therefore, it is submitted that there is no illegality or infirmity in the impugned judgment of conviction and sentence, which calls for no interference by this Court.
12. We have heard the learned counsel for the parties and perused the records and evidence adduced.
13. In order to consider the age of the victim, we have examined the evidence available on record produced by the prosecution. The prosecution has relied upon the school admission and discharge register (Exhibit P-4C), which has been sought to be proved by PW-2, the teacher of the concerned school. She has stated in her evidence that the original admission discharge register was seized by the police vide seizure memo (Exhibit P-2) and after retaining the



attested copy, the original register was returned back to the school authorities. As per the said register, the date of birth of the victim is recorded as 07.05.2008. However, in her cross-examination, she has admitted that the relevant entries in the register regarding the date of birth of the victim were not made by her and that the basis on which the said date of birth was recorded is not mentioned in the register. She further admitted that the victim was admitted in the school by the then Headmaster and she has no knowledge as to on what basis the date of birth was entered. Thus, it is evident that the entry relating to the date of birth of the victim in the school register has not been proved by its author and the source of such entry also remains unestablished.

14. The admissibility and evidentiary value of the school register has been considered by the Hon'ble Supreme Court in the matter of **Alamelu and Another Vs. State, represented by Inspector of Police**, 2011(2) SCC 385. In Para 40, 42, 43, 44 and 48 of its judgment, the Hon'ble Supreme Court has observed as under:

"40. Undoubtedly, the transfer certificate, Ex.P16 indicates that the girl's date of birth was 15th June, 1977. Therefore, even according to the aforesaid certificate, she would be above 16 years of age (16 years 1 month and 16 days) on the date of the alleged incident, i.e., 31st July, 1993. The transfer certificate has been issued by a Government School and has been duly signed by the Headmaster. Therefore, it would be admissible in evidence under Section 35 of the Indian Evidence Act. However, the admissibility of such a document would be of not much evidentiary value to prove the age of the girl in



the absence of the material on the basis of which the age was recorded. The date of birth mentioned in the transfer certificate would have no evidentiary value unless the person, who made the entry or who gave the date of birth is examined.

42. Considering the manner in which the facts recorded in a document may be proved, this Court in the case of Birad Mal Singhvi Vs. Anand Purohit, observed as follows:-

"The date of birth mentioned in the scholars' register has no evidentiary value unless the person who made the entry or who gave the date of birth is examined....Merely because the documents Exs. 8, 9, 10, 11, and 12 were proved, it does not mean that the contents of documents were also proved. Mere proof of the documents Exs. 8, 9, 10, 11 and 12 would not tantamount to proof of all the contents or the correctness of date of birth stated in the documents. Since the truth of the fact, namely, the date of birth of Hukmi Chand and Suraj Prakash Joshi was in Issue, mere proof of the documents as produced by the aforesaid two witnesses does not furnish evidence of the truth of the facts or contents of the documents. The truth or otherwise of the facts in issue, namely, the date of birth of the two candidates as mentioned in the documents could be proved by admissible evidence i.e. by the evidence of those persons who could vouchsafe for the truth of the facts in issue. No evidence of any such kind was produced by the respondent to prove the truth of the facts, namely, the date of birth of Hukmi Chand and of Suraj Prakash Joshi. In the circumstances the dates of birth



as mentioned in the aforesaid documents 1988 (Supp) SCC 604 have no probative value and the dates of birth as mentioned therein could not be accepted."

43. The same proposition of law is reiterated by this Court in the case of *Narbada Devi Gupta Vs. Birendra Kumar Jaiswal*, where this Court observed as follows:-

"The legal position is not in dispute that mere production and marking of a document as exhibit by the court cannot be held to be a due proof of its contents. Its execution has to be proved by admissible evidence, that is, by the "evidence of those persons who can vouchsafe for the truth of the facts in issue".

44. In our opinion, the aforesaid burden of proof has not been discharged by the prosecution. The father says nothing about the transfer certificate in his evidence. The Headmaster has not been examined at all. Therefore, the entry in the transfer certificate can not be relied upon to definitely fix the age of the girl.

48. We may further notice that even with reference to Section 35 of the Indian Evidence Act, a public document has to be tested by applying the same standard in civil as well as criminal proceedings. In this context, it would be appropriate to notice the observations made by this Court in the case of *Ravinder Singh Gorkhi Vs. State of U.P.*<sup>4</sup> held as follows:-

"The age of a person as recorded in the school register or otherwise may be used for various purposes, namely, for obtaining



admission; for obtaining an appointment; for contesting election; registration of marriage; obtaining a separate unit under the ceiling laws; and even for the purpose of litigating before a civil forum e.g. necessity of being represented in a court of law by a guardian or where a suit is filed on the ground that the plaintiff being a minor he was not appropriately represented therein or any transaction made on his behalf was void as he was a minor. A court of law for the purpose of determining the age of a (2006) 5 SCC 584 party to the lis, having regard to the provisions of Section 35 of the Evidence Act will have to apply the same standard. No different standard can be applied in case of an accused as in a case of abduction or rape, or similar offence where the victim or the prosecutrix although might have consented with the accused, if on the basis of the entries made in the register maintained by the school, a judgment of conviction is recorded, the accused would be deprived of his constitutional right under Article 21 of the Constitution, as in that case the accused may unjustly be convicted."

15. In case of **Rishipal Singh Solanki Vs. State of Uttar Pradesh & Others, 2022 (8) SCC 602**, while considering various judgments, the Hon'ble Supreme Court has observed in para 33 as under:

"33. What emerges on a cumulative consideration of the aforesaid catena of judgments is as follows:

33.2.2. If an application is filed before the Court claiming juvenility, the provision of sub-section (2) of section 94 of the JJ Act, 2015 would have to be



applied or read along with sub-section (2) of section 9 so as to seek evidence for the purpose of recording a finding stating the age of the person as nearly as may be.

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33.3. That when a claim for juvenility is raised, the burden is on the person raising the claim to satisfy the Court to discharge the initial burden. However, the documents mentioned in Rule 12(3)(a)(i), (ii), and (iii) of the JJ Rules 2007 made under the 33 Act, 2000 or sub-section (2) of section 94 of JJ Act, 2015, shall be sufficient for prima facie satisfaction of the Court. On the basis of the aforesaid documents a presumption of juvenility may be raised.

33.4. The said presumption is however not conclusive proof of the age of juvenility and the same may be rebutted by contra evidence let in by the opposite side.

33.5. That the procedure of an inquiry by a Court is not the same thing as declaring the age of the person as a juvenile sought before the JJ Board when the case is pending for trial before the concerned criminal court. In case of an inquiry, the Court records a prima facie conclusion but when there is a determination of age as per sub-section (2) of section 94 of 2015 Act, a declaration is made on the basis of evidence. Also the age recorded by the JJ Board shall be deemed to be the true age of the person brought before it. Thus, the standard of proof in an inquiry is different from that required in a proceeding where the determination and declaration of the age of a person has to be made on the basis



of evidence scrutinised and accepted only if worthy of such acceptance.

33.6. That it is neither feasible nor desirable to lay down an abstract formula to determine the age of a person. It has to be on the basis of the material on record and on appreciation of evidence adduced by the parties in each case.

33.7 This Court has observed that a hyper. technical approach should not be adopted when evidence is adduced on behalf of the accused in support of the plea that he was a juvenile.

33.8. If two views are possible on the same evidence, the court should lean in favour of holding the accused to be a juvenile in borderline cases. This is in order to ensure that the benefit of the JJ Act, 2015 is made applicable to the juvenile in conflict with law. At the same time, the Court should ensure that the JJ Act, 2015 is not misused by persons to escape punishment after having committed serious offences.

33.9. That when the determination of age is on the basis of evidence such as school records, it is necessary that the same would have to be considered as per Section 35 of the Indian Evidence Act, Inasmuch as any public or official document maintained in the discharge of official duty would have greater credibility than private documents.

33.10. Any document which is in consonance with public documents, such as matriculation certificate, could be accepted by the Court or the 33 Board provided such public document is credible and authentic as per the provisions of the Indian Evidence Act viz., section 35 and other provisions.



33.11. Ossification Test cannot be the sole criterion for age determination and a mechanical view regarding the age of a person cannot be adopted solely on the basis of medical opinion by radiological examination. Such evidence is not conclusive evidence but only a very useful guiding factor to be considered in the absence of documents mentioned in Section 94(2) of the JJ Act, 2015."

16. Recently, in case of **P. Yuvaprakash Vs. State represented by Inspector of Police, 2023 (SCC Online) SC 846**, Hon'ble Supreme Court has held in para 14 to 17 as under:

"14, Section 94 (2)(iii) of the JJ Act clearly Indicates that the date of birth certificate from the school or matriculation or equivalent certificate by the concerned examination board has to be firstly preferred in the absence of which the birth certificate issued by the Corporation or Municipal Authority or Panchayat and it is only thereafter in the absence of these such documents the age is to be determined through "an ossification test" or "any other latest medical age determination test" conducted on the orders of the concerned authority, i.e. Committee or Board or Court. In the present case, concededly, only a transfer certificate and not the date of birth certificate or matriculation or equivalent certificate was considered. Ex. C1, i.e., the school transfer certificate showed the date of birth of the victim as 11.07.1997. Significantly, the transfer certificate was produced not by the prosecution but instead by the court summoned witness, i.e., CW-1. The burden is always upon the prosecution to establish what it alleges; therefore, the prosecution could not have been. fallen back upon a document which it had never relied upon. Furthermore, DW-3, the concerned Revenue Official (Deputy Tahsildar) had



stated on oath that the records for the year 1997 in respect to the births and deaths were missing. Since it did not answer to the description of any class of documents mentioned in Section 94(2) (i) as it was a mere transfer certificate, Ex C-1 could not have been relied upon to hold that M was below 18 years at the time of commission of the offence.

15. In a recent decision, in *Rishipal Singh Solanki vs. State of Uttar Pradesh & Ors.* this court outlined the procedure to be followed in cases where age determination is required. The court was dealing with Rule 12 of the erstwhile Juvenile Justice Rules (which is in pari materia) with Section 94 of the JJ Act, and held as follows:

"20. Rule 12 of the JJ Rules, 2007 deals with the procedure to be followed in determination of age. The juvenility of a person in conflict with law had to be decided prima facie on the basis of physical appearance, or documents, if available. But an inquiry into the determination of age by the Court or the JJ Board was by seeking evidence by obtaining: (1) the matriculation or equivalent certificates, if available and in the absence whereof; (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof; (iii) the birth certificate given by a corporation or a municipal authority or a panchayat. Only in the absence of either (i), (ii) and (iii) above, the medical opinion could be sought from a duly constituted Medical Board to declare the age of the juvenile or child. It was also provided that while determination was being made, benefit could be given to the child or juvenile by considering the age on lower side within the



margin of one year."

16. Speaking about provisions of the Juvenile Justice Act, especially the various options in Section 94 (2) of the JJ Act, this court held in *Sanjeev Kumar Gupta vs. The State of Uttar Pradesh & Ors* that:

"Clause (i) of Section 94 (2) places the date of birth certificate from the school and the matriculation or equivalent certificate from the 2021 (12) SCR 502 [2019] 9 SCR 735 concerned examination board in the same category (namely (i) above). In the absence thereof category (ii) provides for obtaining the birth certificate of the corporation, municipal authority or panchayat. It is only in the absence of (i) and (ii) that age determination by means of medical analysis is provided. Section 94(2) (a)(i) indicates a significant change over the provisions which were contained in Rule 12(3) (a) of the Rules of 2007 made under the Act of 2000. Under Rule 12(3)(a) (i) the matriculation or equivalent certificate was given precedence and it was only in the event of the certificate not being available that the date of birth certificate from the school first attended, could be obtained. In Section 94(2)(1) both the date of birth certificate from the school as well as the matriculation or equivalent certificate are placed in the same category.

17. In *Abuzar Hossain Gulam Hossain Vs. State of West Bengal*, this court, through a three-judge bench, held that the burden of proving that someone is a juvenile (or below the prescribed age) is upon the person claiming it. Further, in that decision, the court indicated the hierarchy of documents that would be accepted in order of preference."



17. Reverting to the facts of the present case, it is quite evident that PW-2 is not the author of the entries made in the school admission and discharge register and the basis on which the date of birth of the victim has been recorded therein has not been established by the prosecution. The witness has categorically admitted that the entries were made by the then Headmaster and she has no knowledge regarding the source or authenticity of the date of birth so entered. In such circumstances, and in light of the settled legal position, determination of the age of the victim solely on the basis of the said school register (Exhibit P-4C) would not be proper, as the same has not been proved in accordance with law.
18. PW-3, the victim, has deposed in her evidence that at the time of the incident she was about 13 years of age, however, she could not disclose her exact date of birth. Though she denied the suggestion that she was 9–10 years of age at the time of her admission in Class-I, there is no documentary evidence on record to substantiate her age or date of birth. Even during her deposition, she was unable to state her date of birth with certainty.
19. PW-4, who is the father of the victim, has stated that at the time of the incident, the victim was aged about 16 years and presently she is about 20 years old (on the date of recording his evidence i.e., 21.03.2023). He is unaware of the specific basis for the victim's date of birth recorded in school records, while also clarifying that the victim had previously filed a report against a juvenile for a similar offence.



20. From all these evidence, it has not been established that the victim was minor on the date of incident, as the father of the victim (PW-4) failed to disclose her exact date of birth and admitted to being unaware of the basis for the school records. There are significant variations in the age disclosed by the witness, who initially stated she was 16 at the time of the incident but later admitted in cross-examination that she was 19 during the engagement, while the police statement (Ex. D-2) recorded her age as 20 years. In absence of any cogent and clinching evidence with respect to the age or date of birth of the victim, she cannot be held to be minor on the date of incident, as the testimony appears to be based on mere assumptions rather than documentary proof.
21. So far as the offence of kidnapping and rape is concerned, we have again examined the evidence of the victim/PW-3. She has stated in her evidence that she was acquainted with the appellant and was in contact with him. She further deposed that the appellant used to talk to her over mobile phone and on the date of the incident, he called her outside the house, upon which she went to meet him. Thereafter, she accompanied the appellant and both of them went to another village, where they stayed together. She has further stated that the family members of the appellant got their marriage performed as per customary rites and rituals and thereafter the appellant established physical relations with her. She also stated that during her stay with the appellant, he made physical relations with her on several occasions. After some days, the police reached there and took her back from the house of the appellant.



22. In cross-examination, she admitted that her engagement with the appellant was performed with the mutual consent of both families and that a formal ceremony was held where she accepted a sari, ring, and bangles from him. She further admitted that she regularly met and talked with the appellant after the engagement and had even gone out with him. Regarding the allegation of forceful physical relations, she stated she had not disclosed the name of any person to the examining doctor, as reflected in the medical report Exhibit P-08, and though she now alleges the act was against her will, she could not explain why her family and the Investigating Officer, in her police statement Exhibit D-01, originally recorded her age as 19 years and the matter as a dispute over dowry and a broken marriage agreement.
23. From the evidence of the victim and her parents, it appears that when the appellant allegedly visited her house and established physical relations, she did not raise any alarm or seek immediate assistance from the neighbours or members of the village community. Even after the engagement ceremony was performed in the presence of villagers, wherein the appellant presented her with a saree and ornaments, she continued to meet and interact with him. Although she has alleged that the appellant established physical relations against her will on the pretext of being her husband, there is no evidence of any resistance, such as nail marks or bite marks, found on the body of the appellant. Further, when the victim was medically examined by PW-08, the doctor did not find any external or internal injuries on her body, which does not support the allegation of forcible



intercourse. The conduct of the victim and her family, coupled with the admission by the victim (PW-03) and her father (PW-04) that she was about 19 years of age and had attained majority at the relevant time, renders the defence version probable that the relationship was consensual and stemmed from a proposed marital alliance. Being a major girl who was engaged to the appellant with the consent of the family members, the subsequent dispute relating to dowry demand and breakdown of the engagement appears to have resulted in the lodging of the present case, which does not fulfil the essential ingredients for conviction under the POCSO Act or for establishing the offence of rape as alleged.

24. PW-08, the doctor who medically examined the victim, has not found any external or internal injuries on her body and did not notice any signs suggestive of forcible sexual intercourse. When the victim was found to be engaged in maintaining physical relations with the appellant, even if the presence of semen or sperm is indicated in the medical or FSL report, the same by itself would not carry much significance in the facts and circumstances of the case, as the evidence on record indicates that the victim and the appellant were involved in consensual physical relations.
25. The version of the victim commands great respect and acceptability, but if there are some circumstances which cast some doubt in the mind of the court on the veracity of the victim's evidence, then it will not be safe to rely on the said version of the victim. There is contradiction and omissions in the statement of the victim and her



parents. The law is well settled that in case of rape, conviction can be maintained even on the basis of sole testimony of the victim. However, there is an important caveat which is that the testimony of the victim must inspire confidence. Even though the testimony of the victim is not required to be corroborated, if her statement is not believable, then the accused cannot be convicted. The prosecution has to bring home the charges leveled against the appellant beyond any reasonable doubt, which the prosecution has failed to do in the instant case.

26. Considering the aforesaid facts and circumstances of the case as well as the law laid down by the Hon'ble Supreme Court, we are of the opinion that the prosecution has failed to prove the alleged offence against the appellant beyond reasonable doubt and the appellant is entitled for benefit of doubt.
27. In the result, the appeal filed by the appellant is **allowed**. The impugned judgment of conviction and sentence dated 05.04.2024 is hereby **set aside**, and the appellant is **acquitted** of all the offences, including those under the POCSO Act and the Dowry Prohibition Act.
28. The appellant is reported to be in custody since 01.02.2022; therefore, he be released forthwith, if not required in any other case.
29. Keeping in view the provisions of Section 481 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the appellant- **Rajnna Durgam** is directed to furnish a personal bond for a sum of Rs. 25,000/- with one surety in the like amount before the Court concerned, which shall be



effective for a period of six months along with an undertaking that in the event of filing of Special Leave Petition against the instant judgment or for grant of leave, the aforesaid appellant, on receipt of notice thereof, shall appear before the Hon'ble Supreme Court.

30. The trial court records along with a copy of this judgement be sent back immediately to the trial court concerned for compliance and necessary action.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice

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