

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1089 of 2022

- Shyam Bihari S/o Bhola Ram Sahu Aged About 30 Years R/o Baskar (Nagmuda) Police Station- Bhaiyathan District- Surajpur Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ajjak Surajpur District- Surajpur Chhattisgarh.

---- Respondent

07/09/2023	Shri A.N.Pandey, counsel for the appellant/s. Shri Amit Singh Chauhan, Panel Lawyer for the State. Heard on I.A.No.1/2022, application for suspension of sentence and grant of bail. The appellant has been convicted under the impugned judgment of conviction and order of sentence dated 30/06/2022 passed by the Special Judge, SC & ST (Prevention of Atrocities) Act, Surajpur, District – Surajpur, Chhattisgarh in Special Case No.43/2019. Case of the prosecution is that the appellant committed sexual intercourse with the prosecutrix against her wishes. Learned counsel for the appellant submits that it is <i>prima facie</i> case of false implication. There was some monetary dispute with regard to payment of earlier wages between the appellant and the prosecutrix. He further submits that the statement of the victim (PW10) does not inspire confidence and there are contradictions and omissions in her statement and the allegation appears to be unrealistic. It is next submitted that the appellant was on bail during trial and hearing of the appeal is likely to take sometime, therefore, the application may be allowed.

Learned State counsel opposes the application.

Looking to the facts and circumstances of the case and perusing the evidence collected by the prosecution particularly the victim (PW1) and that hearing of the appeal is likely to take sometime, I am inclined to allow the application.

Accordingly, I.A.No.1/2022 is allowed. The substantive jail sentence awarded to the appellant is suspended and he is directed to be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- along with one surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **30/10/2023**. 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 further dates as are given to him by the said Court during the pendency of this appeal.

Certified copy as per rules.

Sd/-
(Sachin Singh Rajput)
Judge