

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.269 of 2014

Prince Sharma @ Dadu Sharma, S/o. Laxmi Narayan Sharma, aged about 23 years, R/o. Village Gorhi, Near Post and Police Station Bilha, Civil and Revenue District Bilaspur (CG)

---- Appellant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station Bhatapara (Town), Civil and Revenue District Baloda Bazar/Bhatapara Chhattisgarh

---- Respondent

01.12.2015	Shri Janak Ram Verma, counsel for the appellant. Shri Avinash K Mishra, Panel Lawyer for the State. Heard on IA No.01, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 14.02.2014 passed by Additional Sessions Judge, Bhattapara, Distt. Baloda Bazar in Session Case No.06/2013, the accused appellant stand convicted under Sections 376, 363 and 366 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay fine of Rs.2000/-; rigorous imprisonment for three years and to pay fine of Rs.500/-; RI for five years and to pay fine of Rs.500/- respectively along with default stipulations with a direction to run the sentences concurrently. Counsel for the appellant submits that present appears to be a case of consent, because the prosecutrix went along with the appellant to several places and during that she did not raise any objection. It has been argued that even medical report of the prosecutrix does not support the prosecution case. Lastly, it has been argued that there is no legally admissible evidence in	

	respect of age of the prosecutrix. On the other hand, counsel for the State opposed the bail application. We have heard counsel for the parties. Considering totality of the case, in particular statement of the prosecutrix, her medical report and statement of Rekha Pandey (PW-1), mother of the prosecutrix, without further commenting anything on its merits, we are inclined to release the appellant on bail. Accordingly, the bail application is allowed. It is directed that the jail sentences imposed upon appellant shall remain suspended during the pendency of this appeal; and he shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one surety in like sum to the satisfaction of the trial Court. The appellant need not give appearance anywhere until and unless otherwise directed. List the matter for final hearing in due course. Sd/- (Pritinker Diwaker) JUDGE Sd/- (Chandra Bhushan Bajpai) JUDGE	
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