

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 1503 of 2023

- Chaitram Darve @ Abhay Saxena S/o Shri Punilal Aged About 26 Years R/o Ward No. 48, Adarsh Nagar, Khalhepara, Mopka, Police Station- Sarkanda, District- Bilaspur (C.G.)

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Janjgir, District- Janjgir-Champa (C.G.)

----Respondent

26/06/2024	Heard Ms. Priya Mishra, learned counsel for the appellant and Ms. Sunita Sahu, learned Panel Lawyer, appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (IA No. 1 of 2023). By the impugned judgment of conviction and order of sentence dated 10.07.2023, learned 1st Additional Session Judge (FTC) Jangir, District Janjgir Champa (C.G.) in Special Session Trial No. 6/2021, has convicted and sentenced the appellant as under:- <table><tr><th>Conviction under Sections</th><th>Sentence</th></tr><tr><td>365 of Indian Penal Code</td><td>R.I. for 5 years with fine of Rs.</td></tr></table>	Conviction under Sections	Sentence	365 of Indian Penal Code	R.I. for 5 years with fine of Rs.
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365 of Indian Penal Code	R.I. for 5 years with fine of Rs.				

	20,000/- in default of which additional S.I. for six months
376 of the Indian Penal Code	R.I. for 10 years with fine of Rs. 50,000/- in default of which additional S.I. for 1 year
376(2)(n) of the Indian Penal Code	R.I. for 10 years with fine of Rs. 100,000/- in default of which additional S.I. for 2 years
506 Part-II of the Indian Penal Code	R.I. for 3 years with fine of Rs. 5,000/- in default of which additional S.I. for one month
323 of the Indian Penal Code (two times)	R.I. for six months with fine of Rs. 1,000/- in default of which additional S.I. for 15 days
Learned counsel for the applicant submits that appellant is innocent and he has been falsely implicated and convicted without any sufficient evidence and the sole conviction is based on the statement of victims and their parent's/relatives who are fabricated prosecution witnesses. He further submits that appellant is in jail since 09.12.2020 and he has undergone four years and six months and the appeal is likely to take some time for its conclusion, hence the appellant has filed the instant application for suspension of sentence and grant of bail. Per contra, learned State Counsel submits that the appellant made a	

telephonic call to victim-A and threatened to viral the video of her sister (Victim-B) and asked her to meet him, where he forcefully put her in his car and brought her to his room at Khokhara, where he committed rape and made a video of same after beating and threatening to viral the video of her sister as well as to kill her family members, such an offence is a serious offence, therefore, he does not deserve to be released on bail. 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.

Taking into consideration the facts and circumstances of the case, particularly taking into consideration the statement of the prosecutrix and also considering the fact that the appellant committed the offence of rape which is serious in nature, this Court finds it appropriate to **reject** the instant application for suspension of sentence and grant of bail, at this stage.

Accordingly, IA No. 01 of 2023 stands rejected.

Let the matter be listed for final hearing in due course.

Sd/-

(Arvind Kumar Verma)
Judge