

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1179 of 2019

- Santram Kurre S/o Dileram Kurre Aged About 33 Years R/o Kothari, Police Station Urga, District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Urga, District Korba Chhattisgarh

---- Respondent

3.12.2019	Mr. PK Patel, Counsel for the appellant. Mr. R. Tripathi, Panel Lawyer for the State. Heard on IA No.1, an application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted under Sections 376 and 450 of IPC and sentenced to undergo RI for 12 years and RI for 5 years and to pay fine of Rs.1000/- and Rs.1000/- respectively with usual default stipulations. The prosecutrix is a married lady, aged about 23 years. On the date of the incident, her husband had gone to Raipur. At about 11:00 p.m., the appellant entered her house, bolted the door from inside and committed forcible sexual intercourse against her. The prosecutrix's brother-in-law (<i>Jeth</i>) Indra suspected the relationship and called PW-2 Budhwar to see what is happening in the house of the prosecutrix. Indra and PW-2 Budhwar went to the house of the prosecutrix and forced upon the door to see that the accused is hiding beneath theot. The prosecutrix informed about the incident to her husband when he returned from Raipur and thereafter, the report was lodged.

Shyna	Considering the narration of story by PW-2 Budhram and the prosecutrix herself examined as PW-1 and her age as well, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail. The application is allowed. Execution of the sentence imposed on the appellant shall remain suspended and he is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 10th of February 2020. 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 subsequent dates as are given to him by the said Court, till the disposal of this appeal. Certified copy as per rules. Sd/- (Prashant Kumar Mishra) Judge Sd/- (Gautam Chourdiya) Judge
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