



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No.370 of 2015

Shrawan Kumar Yadav, S/o Jugaruram, aged about 23, R/o Village Chhote Odagaon, P.S. Dhanora, Revenue and Civil District Kondagaon (C.G.) ... **Appellant**

Versus

State of Chhattisgarh, through Police Station – Dhanora, District Kondagaon Chhattisgarh. ... **Respondent**

06/05/2016	Shri Pravin Kumar Tulsyan, counsel for the appellant. Shri Ashish Shukla, G.A. for the State. Heard on I.A.No. 01/2016, application for suspension of sentences and grant of bail to the appellant. Appellant stands convicted under Sections 376 IPC and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act') and sentenced to life imprisonment with fine of Rs.5000/- and in default of payment of fine amount the appellant shall suffer RI for one year under each count, by the judgment of conviction and order of sentence dated 14.01.2015 passed in S.T. No.114/2014 by the Special Sessions Judge under the Atrocities Act, Kondagaon, Dist. Kondagaon. Counsel for the appellant submits that the prosecutrix was having affair with the appellant and she had physical relation with the appellant continuously for about 4 years. He submits that during this period the prosecutrix also became pregnant, but yet no report was lodged. It has been argued that there is no legally	



admissible evidence showing the prosecutrix to be minor and once she was a consenting party, the accused/appellant cannot be convicted under Section 376 of the I.P.C. He further submits that even the ingredients of Section 3(2)(v) of the Atrocities Act have not been attracted.

On the other hand, counsel for the State opposes the bail application.

We have heard learned counsel for the parties and perused the record.

Considering the statement of the prosecutrix and the evidence collected by the prosecutrix in relation to her age, without further commenting on merits of the matter, we are inclined to release the appellant on bail.

Accordingly, I.A.No.1/2016 is allowed and it is directed that execution of the jail sentences awarded to the appellant by the trial Court in Sessions Trial No.114/2014 shall remain suspended and the appellant **Shrawan Kumar Yadav** shall be released on bail on his furnishing personal bond in the sum of Rs.15,000/- with local surety in the like amount to the satisfaction of the trial Court. Appellant is exempted from giving personal appearance anywhere unless otherwise directed.

Certified copy as per rules.

Sd/-

(Pritinker Diwaker)
Judge

Sd/-

(I. S. Uboweja)
Judge