



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1586 of 2024

SAMPAT KASHYAP *versus* STATE OF CHHATTISGARH

Order Sheet

28/02/2026	By the impugned judgment of conviction and order of sentence dated 26.07.2024 passed in Sessions Trial No. 68/2021, by the Court of learned Additional Sessions Judge (F.T.S.C.) (POCSO), Kondagaon, District Kondagaon (C.G.) appellant has been convicted as under:- <table><tr><th data-bbox="510 1572 970 1630"><u>Conviction</u></th><th data-bbox="970 1572 1430 1630"><u>Sentence</u></th></tr><tr><td data-bbox="510 1630 970 1930">Under Section 366 of IPC</td><td data-bbox="970 1630 1430 1930">Sentenced with RI of 05 years and fine of Rs. 1000/- (Rs. One thousand only) (in default of additional RI of 01 month)</td></tr></table>	<u>Conviction</u>	<u>Sentence</u>	Under Section 366 of IPC	Sentenced with RI of 05 years and fine of Rs. 1000/- (Rs. One thousand only) (in default of additional RI of 01 month)
<u>Conviction</u>	<u>Sentence</u>				
Under Section 366 of IPC	Sentenced with RI of 05 years and fine of Rs. 1000/- (Rs. One thousand only) (in default of additional RI of 01 month)				

Under Section 376(2)(n) of IPC	No Separate Sentence
Under Section 376(3) of IPC	No Separate Sentence
Under Section 6 of POCSO Act, 2012	Sentenced with RI of 20 years and fine of Rs. 1000/- (Rs. One thousand only) (in default additional RI of 01 month)
Sentences to run concurrently.	

Heard Mr. M. P. S. Bhatia, learned counsel for the appellant. Also heard Mr. N. K. Jaiswal, learned Dy. Govt. Advocate, appearing for the respondent/State on the instant application for suspension of sentence and grant of bail I.A. No. 01.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the present case. It is contended that there is no legally admissible evidence regarding the age of the victim and that the prosecution has failed to prove its case beyond reasonable doubt, thereby entitling the appellant to acquittal. He further submits

	that the prosecution has not examined any trustworthy and independent witness in support of its case. It is also argued that no injury was found on the body of the victim, particularly on her private parts, and that the MLC does not give any definite opinion regarding the commission of sexual assault. There has been an unexplained delay of six months in lodging the FIR, which casts serious doubt on the prosecution story. He would further submit that the victim has also lodged a report against the other accused persons, in respect of which separate offences were registered. In those cases, the other co-accused persons have been convicted by the learned trial Court, but another accused, Devendra Usendi, was acquitted by this Court in CRA No. 1040/2024, decided on 11.04.2025 and the sentence awarded to accused Sanjay Kachlam has been suspended, and he has been released on bail in CRA No. 173/2024. Thus, the report lodged by the victim against the present appellant is also suspicious. The appellant was on bail during trial and has not
--	---

misused the liberty granted to him. Presently the appellant is in jail since 26.07.2024 and final adjudication of the case will take its own time, therefore, he may be enlarged on bail.

As per the submission of the learned State counsel, the notice issued to the complainant has been served.

On the other hand, learned counsel for the State opposes and has submitted she was subjected to forceful sexual intercourse by the appellant and as per the medical evidence, the victim is reported to be pregnant. The prosecution has successfully established the commission of offences under Sections 366, 376(2)(n), and 376(3) IPC through the credible and consistent testimony of the victim. Neither the alleged absence of injuries nor the delay in lodging the FIR undermines the prosecution case. The question of the accused's age was duly considered by the learned trial Court in accordance with law, therefore, in view of the evidence available on record, the appellant is not entitled for bail.

Considering the submissions made by the learned counsel for the parties, the nature of the allegations, the evidence of the victim PW-1 as well as the evidence regarding her age and that she being minor on the date of incident subjected to rape by the appellant, we consider this not a fit case to grant bail to the appellant.

Accordingly, I.A. No. 01, filed by the appellant-Sampat Kashyap is **rejected**.

List this case for final hearing in due course.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice