



2026:CGHC:3194-DB

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET**CRA No. 1226 of 2021**

- Mohd. Hussain @ Salim S/o Shri Mohd. Ali, Aged About 40 Years R/o Santoshi Nagar, Taj Nagar, P.S. Tikrapara, Raipur, District Raipur Chhattisgarh. ---- **Appellant**

Versus

- State Of Chhattisgarh Through P.S. Tikrapara, Raipur, District Raipur Chhattisgarh.

---- **Respondent****Division Bench:-**

**Hon'ble Shri Justice Sanjay K. Agrawal &
Hon'ble Shri Justice Sanjay S. Agrawal**

02.08.2022	Shri Vivek Sharma, counsel for the Appellant. Shri Sudeep Verma, Dy. G.A. for the State/Respondent. Heard on I.A No.01/2021, an application filed under Section 389 of Criminal Procedure Code for suspension of sentence and grant of bail. By the impugned judgment and order of sentence dated 30.09.2021 passed by Additional Sessions Judge, First Fast Track Special Court, Raipur (C.G.) in Special Criminal Case No. 55/2019, the appellant has been convicted and sentenced as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Offence U/s 376 (AB) of I.P.C.</td><td>Life Imprisonment (till remainder of natural life) and fine of Rs. 50,000/-, each (in default 1 year R.I.)</td></tr></table> Learned Counsel for the Appellant submits that the Medical Report of Dr. Sudha Samuel (PW-07) has not supported the prosecution case and the	Conviction	Sentence	Offence U/s 376 (AB) of I.P.C.	Life Imprisonment (till remainder of natural life) and fine of Rs. 50,000/-, each (in default 1 year R.I.)
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Offence U/s 376 (AB) of I.P.C.	Life Imprisonment (till remainder of natural life) and fine of Rs. 50,000/-, each (in default 1 year R.I.)				



Appellant has been falsely implicated in the matter and he is not involved in the crime in question. He submits further that the Appellant is in jail since 14.03.2019, and therefore, he may be released on bail.

On the other hand, learned state counsel opposes the bail application on the submission that taking into consideration particularly the statement of prosecutrix/victim (PW-01), and taking into consideration the age of her to be 8 years at the time of offence and further taking into consideration the F.S.L. Report (Ex.P-25), which was approved by the Salik Ram Sahu (PW-05), wherein the human sperm was found in the article A and B, the present appellant is not entitled to be released on bail.

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

Taking into consideration the submission made by learned counsel for the parties as also considering the material available on record, particularly the statement of prosecutrix/victim (PW-01), and taking into consideration the age of her to be 8 years at the time of offence and further taking into consideration the F.S.L. Report (Ex.P-25), which was approved by the Salik Ram Sahu (PW-05), wherein the human sperm was found in article A and B, we do not find it to be a fit case for suspension of sentence and grant of bail.

Accordingly I.A. No.01/2021, an application filed under Section 389 of Criminal Procedure Code for suspension of sentence and grant of bail is rejected.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Sd/-
(Sanjay S. Agrawal)
JUDGE