



HIGH COURT OF CHHATTISGARH, BILASPUR

2026:CGHC:4040-DB

CRA No. 1290 of 2019

- Dinesh Nirmalkar S/o Bisesar Nirmalkar Aged About 23 Years R/o Village Tekari, Thana Vidhansabha, District Raipur, Chhattisgarh.,

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Bori, District Durg, Chhattisgarh.

---- Respondent

20/11/2019	Mr. Deepak Jain, Counsel for the appellant. Mr. Chitrendra Singh, 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 363, 366 & 376(2)(I) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo RI for 5 years, RI for 5 years and RI for 10 years respectively with usual default stipulations. Having seen the statement of the prosecutrix, it appears, she had consented to her relation with the appellant. The prosecutrix is found to be less than 18 years of age only on the basis of <i>Dakhil-Kharij</i> register, whereas, her father PW-4 Dhanush Kumar Deshlahre and her mother PW-5 Smt. Savitri, both would state in para 1 of their depositions that they do not remember the date of birth of the prosecutrix. Kotwari Register has not been filed to corroborate the entry of date of birth in the <i>Dakhil-Kharij</i> register.



Considering the nature and quality of evidence about the age and conduct of the prosecutrix, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail.

Accordingly, 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 20th of January 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

Shyna