

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1393 of 2019

- Vinod Kumar S/o - Bodhan Rajwade Aged About 24 Years R/o - Village Kenvra Kataipara, Police Station Pratappur, District Surajpur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Ajak Surajpur, District Surajpur Chhattisgarh

---- **Respondent**

14.07.2021	Mr. Gyan Prakash Shukla, Counsel for the appellant. Mr. Shubham Verma, PL for the respondent/State. Heard on IA No.1 – application for suspension of sentence and grant of bail. 2. The appellant has been convicted under Sections 363, 366 & 376 IPC, U/s. 6 of the POCSO Act & U/s. 3(2) (V) of the SC & ST (Prevention of Atrocities) Act and sentenced to undergo maximum sentence of life imprisonment with respective fine stipulated by the Court below, plus default stipulations. 3. Learned counsel for the appellant would argue that the evidence of the prosecutrix (PW-1) on the face of it reveals that the prosecutrix was a consenting party and had actually run away with the appellant, resided with him and came back, Village Panchayat

was held and finally when marriage could not be materialized, FIR was lodged after about one year of the incident.

As far as age of the prosecutrix is concerned, learned counsel for the appellant would argue that the prosecution evidence with regard to entries made in the school register have not been proved by the concerned authority who recorded the same and there is shaky evidence as to on what basis date of birth was recorded in the school register. No other certificate of date of birth or entries made in the Kotwari register have been produced.

4. On the other hand, learned State counsel opposes and submits that, as far as, age of the prosecutrix is concerned the custodial of the records of the school has proved the entries made and the mother of the prosecutrix has stated that the prosecutrix was admitted in the school by her father.

5. Having considered the submission of learned counsel for the parties particularly, taking into consideration the evidence of prosecutrix, delay in lodging FIR as also the nature of the evidence led by the prosecution to prove the age of the prosecutrix, we find that this is a fit case for suspension of sentence and grant of bail.

6. It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of the appeal and he shall be released on bail on furnishing a personal bond of Rs.25,000/- of two local sureties of the like amount to the satisfaction of the concerned trial Court, for his appearance before the concerned trial Court on **20th of September, 2021** and on all

such further dates as may be directed by the said Court, interval being not less than 6 months, till final disposal of this appeal.

Accordingly, IA for suspension of sentence and grant of bail is **allowed**.

List this case for final hearing.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Sd/-

(Vimla Singh Kapoor)

Judge

Ajay