



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2039 of 2024

Harshad Gupta S/o Bhagirathi Gupta Aged About 24 Years Occupation Service,
R/o Village Baghbahar, P.S. Baghbahar, District Jashpur Chhattisgarh
... Appellant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Bagbahar,
District Jashpur Chhattisgarh. ... Respondent

(Cause title, as taken from Case Information System)

Order Sheet

30/01/2025	Ms. Hamida Siddiqui, counsel appears through video conferencing and Mr. Syed Mohammad Sohail Afzal, counsel for the appellant. Ms. Anuradha Jain, Panel Lawyer for the State/respondent. Heard on I.A. No.01/2024, application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail to the appellant. By the impugned judgment of conviction dated 30.4.2015 passed by learned Upper Sessions Judge, Kunkuri, District Jashpur (C.G.) in Sessions Trial No.72/13, appellant has been convicted and by the order of sentence dated 04.11.2024 passed



by learned Upper Sessions Judge, Pathalgaon, District Jashpur (C.G.) in Sessions Trial No.01/2019, the appellant has been sentenced in following manner:-

Sl. No.	Conviction u/S	Jail Sentence	Fine Sentence	Default Stipulation
01.	376 (1), IPC	R.I. for 7 years	Rs.10,000/-	S.I. for 1 year
02.	506, IPC	R.I. for 1 year	Rs.1000/-	S.I. for 3 months
All the jail sentences are directed to be run concurrently.				

Learned counsel for the appellant would submit that the judgment of conviction dated 30.4.2015 passed in S.T. No.72/13 was passed in absence of the appellant. Subsequently, appellant has surrendered in light of the order dated 01.10.2024 (Annexure A/4) passed by Hon'ble Apex Court in SLP (Crl.) No.6303/2019. Thereafter, order of the sentence dated 04.11.2024 was passed by the Upper Sessions Judge, Pathalgaon, District Jashpur in Sessions Trial No.01/2019. Since 04.11.2024, appellant is in jail. She would further submit that it was consensual relation, as victim herself accompanied because they were in relation for about five years, therefore, she prays that application for suspension of sentence of the appellant may be allowed and sentence may be suspended till the decision of this appeal.

Per contra, learned State counsel opposes the application for suspension of sentence and grant of bail to the appellant.

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

Having considered the age of the victim and their long term



relationship, I feel inclined to allow the application for suspension of sentence and grant of bail to the appellant.

In view of above, I.A. No.01/2024, application for suspension of sentence and grant of bail to the appellant is allowed.

The substantive jail sentence imposed upon the appellant by the learned trial Court is hereby suspended. He shall be released on bail on his executing a personal bond in the sum of **Rs.25,000/-** with one surety of the like amount to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **04.3.2025**. He shall thereafter appear before the concerned 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, interval being not less than 6 months, till final disposal of this appeal.

List this matter for final hearing in due course.

Sd/-

(Naresh Kumar Chandravanshi)

Judge