

HIGH COURT OF CHHATTISGARH, BILASPURCRA No. 1671 of 2019

1. Sant Kumar Yadav S/o Bharat Lala Yadav Aged About 19 Years R/o Ahirapara, Village Sumerpur, Police Station Ramanujnagar, District Surajpur, CG.

---- Appellant

Versus

1. State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur, CG.

---- Respondent

02/03/2020	<p>Heard Shri R.K. Jain, Adv. for the appellant and Shri Aditya Sharma, Panel Lawyer for the State.</p> <p><u>I.A. No.1</u></p> <p>This is an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 6-11-2019 passed by the Additional Sessions Judge (FTC), Surajpur, in ST No.60/2018 the appellant has been convicted under Sections 376(a)(b), 363 & 366 of the Indian Penal Code and Section 6 of the POCSO Act, 2012 and sentenced him to undergo imprisonment for life amongst other sentences with default stipulations.</p> <p>Appellant has been convicted for committing rape and aggravated penetrative sexual assault with the prosecutrix, aged about 8 years 26 days, however, when examined in Court the prosecutrix (PW-1) her mother Smt. Gayatri (PW-2), her father Rameshwar Prasad Yadav (PW-3), grandfather Ramlakhan (PW-4), uncle Manoj Yadav (PW-5) and grandmother PW-6 Smt. Sohagiya have turned hostile without supporting the prosecution at any stage of their examination. The</p>	

conviction is based on the statements of Dr. Rajshree Singh (PW-8) and Dr. Rashmi Kumar (PW-12).

Considering the state of evidence on record, we are inclined to suspend the jail sentence imposed against the appellant and release him on bail.

Accordingly, the application (I.A.No.1) 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 6th of May, 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