



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2160 of 2024

1 - Rajesh Yadav S/o Lakhan Yadav, Aged About 30 Years, R/o Village-Khaira,
Out Post-Damapur, Police Station-Kunda, District-Kabirdham (C.G.)

... Appellant

versus

1 - State of Chhattisgarh Through-Station House Officer, Police Station-Bodla,
District-Kabirdham (C.G.)

... Respondent

Order Sheet

27-02-2026	Mr. Kanhaiya Ram Yadav, Advocate for the Appellant. Mr. N.K. Jaiswal, Deputy Govt. Advocate for the State. Heard on I.A. No. 01/2024, an application for suspension of sentence and grant of bail to the appellant. The appellant has been convicted and sentenced by the impugned judgment dated 07-11-2024 in Atrocity Special Case No. 210/2022, passed by the learned Special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Kawardha, District Kabirdham (C.G.), in the following manner with a direction to run all the jail sentences concurrently:-

Conviction	Sentence
U/s. 376 of IPC	R.I. for 10 years and fine of Rs. 5000/- in default of payment of fine amount Additional R.I. for 6 months.
U/s. 506 Part-II (wrongly mentioned as 506(B)] of IPC	R.I. for 7 years
U/s 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act	Life Imprisonment and fine of Rs. 5000/-, in default of payment of fine amount Additional R.I. for 6 months.

Learned counsel for the appellant would submit that the victim is a major married lady, both of them were working in a Dhaba and there was a dispute with respect to amount of wages. It would not be possible for the appellant to commit offence in presence of her husband and other family members. There are material omissions and contradiction in the evidence of prosecution witnesses. There was no injury found on the body of the victim and no sign of protest at the time of alleged commission of offence. Though the FSL report is found positive, but in view of the fact that she being a married lady, the FSL report does not have specific bearing in the case. He would also submit that the appellant is HIV positive and his treatment is continuing. He would refer the documents submitted on 20-02-2026 with respect to ailment of the appellant by HIV positive. He would also submit that during the trial the appellant was on bail and presently he is in jail since 07-11-2024. The appeal is of year 2024 and its final disposal will take its own time. Therefore, the appellant may be enlarged on bail.

On the other hand, learned counsel for the State opposes the prayer for suspension of sentence and grant of bail.

Considering the submissions made by learned counsel for the

parties, considering the nature of allegation against the appellant, evidence of the victim as well as other witnesses, further considering that there is no injury found on the body of the victim, manner in which the alleged offence is said to have been committed and further considering the facts that the appellant is HIV positive, during the trial the appellant was on bail and final adjudication of the case will take its own time, we are inclined to suspend the sentence awarded to the appellant and released him on bail. Consequently, I.A. No.01/2024 is allowed.

Accordingly, the substantive jail sentence awarded to appellant by the learned trial Court is hereby suspended. He shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **16-04-2026**. 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, till final disposal of this appeal.

List this appeal for final hearing.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice