



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 55 of 2021

Digvijay Dahare S/o Mohanlal Dahare, Aged About 31 Years R/o Village Thathari, P.S. Baradwar, District Janjgir Champa (Chhattisgarh) Presently R/o CHC Baloda, P.S. Baloda, District Janjgir Champa Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through The P.S. Janjgir, District Janjgir Champa Chhattisgarh.

----Respondent

19/05/2021	Shri Anchal Kumar Matre, counsel for the appellant. Shri Vimlesh Bajpai, G.A. for the State. Shri Parasmani Shrivastava, counsel for the objector. Heard on I.A. No.01/2021 bail application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment dated 28/12/2020 passed in Sessions Case No.54/2018 passed by the Additional Sessions Judge (FTC), Janjgir, District Janjgir-Champa (C.G.) in the following manner with a direction to run all the sentences concurrently:- <table><tr><td>U/s 376 of IPC</td><td>:</td><td>Imprisonment for 7 years and fine of Rs.1000/-, in default of payment of fine, to undergo further imprisonment for 1 year</td></tr><tr><td>U/s 450 of IPC</td><td>:</td><td>Imprisonment for 3 years and fine of Rs.500/-, in default of payment of fine, to undergo further imprisonment for 6 months</td></tr></table>	U/s 376 of IPC	:	Imprisonment for 7 years and fine of Rs.1000/-, in default of payment of fine, to undergo further imprisonment for 1 year	U/s 450 of IPC	:	Imprisonment for 3 years and fine of Rs.500/-, in default of payment of fine, to undergo further imprisonment for 6 months
U/s 376 of IPC	:	Imprisonment for 7 years and fine of Rs.1000/-, in default of payment of fine, to undergo further imprisonment for 1 year					
U/s 450 of IPC	:	Imprisonment for 3 years and fine of Rs.500/-, in default of payment of fine, to undergo further imprisonment for 6 months					



U/s 506 Part II of IPC

Imprisonment for 2 years and fine of Rs.500/-, in default of payment of fine, to undergo further imprisonment for 3 months

Learned Counsel for the appellant submits that the prosecutrix is married lady of 30 years having two children and she was a consenting party and the alleged incident though is said to have been on 31/12/2017, complaint was made after 30 days after long gap on 23/01/2018 and cross examination and map would show that she was a consenting party, therefore the appellant may be released on bail.

Learned State Counsel and counsel for the objector opposes the prayer for grant of bail and would submit that the appellant forcefully committed sexual intercourse with the prosecutrix.

Perused the statement of the prosecutrix PW-2 and the husband PW-3. After perusal of the statement and the cross examination alongwith map of the site wherein incident alleged to have happened the children of the prosecutrix appears to have been present in near by place and after perusal of the medical report, I am inclined to release the appellant on bail.

Accordingly, I.A. No.01/2021 bail application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **4th August, 2021**. 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.

In view of the above, I.A. No.02/2021 & I.A. No.4/21 application for urgent hearing and I.A. No.03/2021 application for hearing the case during summer vacation stand disposed of.

Sd/-

(Goutam Bhaduri)

Vacation Judge

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