



## HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**CRA No. 368 of 2023**

Amit Kumar Sahu S/o Kishanlal Sahu, Aged About 24 Years R/o Pangaon, Police Station Pamgadh, District : Janjgir-Champa, Chhattisgarh.

---- Petitioner

**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Pamgadh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

08-06-2023	<p>Mr. Hariom Rai, Advocate for the Appellant.</p> <p>Mr. Gurudev I Sharan, GA for the State.</p> <p>Heard.</p> <p>Admitted for hearing.</p> <p>Call for the record of the Court below.</p> <p>Also heard on I.A. No.1/2023, application under Section 389 of Code of Criminal Procedure for suspension of sentence and grant of bail to the appellant, during pendency of this appeal.</p> <p>By the impugned judgment, appellant stands convicted and sentenced under Section 376 (2)(n) of the Indian Penal Code.</p> <p>Learned counsel for the appellant submits that appellant was on bail during the trial and he has not misused the liberty granted to him earlier. He has drawn attention towards the statement given by prosecutrix before trial Court that there was relation between appellant and prosecutrix since June 2020 till July 2021. As it was the matter of consensual in nature, conviction of appellant</p>



is bad in law. Appellant is in jail since 25.01.2023. Disposal of this appeal is likely to take time, hence, sentence awarded to appellant may be suspended and he may be enlarged on bail.

Learned State Counsel opposes submission of counsel for appellant.

Heard counsel for the parties.

Considering facts of the case, submissions of counsel for the parties, appellant was on bail during trial and has not misused the liberty granted to him earlier, appeal may take some time for final hearing, I am of the view that present is a fit case to suspend sentence and release the appellant on bail.

Accordingly, I.A. No.1/2023, application for suspension of sentence and grant of bail is allowed. It is directed that execution of substantive jail sentence imposed on appellant shall remain suspended and he 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 **28<sup>th</sup> July, 2023**. 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 other subsequent dates as are given to him by the said Court, till disposal of this appeal.

Certified copy, as per rules.

**Sd/-**  
**(Deepak Kumar Tiwari)**  
Vacation Judge