



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 644 of 2021

- Vicky Manikpuri S/o Late Shri Mukund Das Aged About 27 Years R/o Kailash Nagar District Durg Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through District Magistrate Durg District Durg Chhattisgarh.

---- Respondent

19.10.2022	Mr. Deepak Kumar Jain, counsel for the appellant. Mr. Praveen Shrivastava, P. L. for the State/respondent. Heard on application (I.A. No. 01) for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 24.03.2021 passed by the learned Additional Sessions Judge (FTC), Durg, (C.G.) in Crime No. 347/2018, the appellant stands convicted, as under:- <table data-bbox="402 1318 1437 1549"><tr><th data-bbox="402 1318 787 1375">Conviction</th><th data-bbox="787 1318 1437 1375">Sentence</th></tr><tr><td data-bbox="402 1375 787 1549">Under Section 376(1) : of Indian Penal Code</td><td data-bbox="787 1375 1437 1549">R.I. for 10 years and fine of Rs.2000/-, in default of payment of fine, further R.I. for two months</td></tr></table> Learned counsel for the appellant would submit that at the time of incident the victim was more than 18 years and she has not raised any alarm against the commission of offence by the accused. He would further submit that the present appellant is in jail since 4 years, one month and 15 days and final hearing of the same will likely to take time,	Conviction	Sentence	Under Section 376(1) : of Indian Penal Code	R.I. for 10 years and fine of Rs.2000/-, in default of payment of fine, further R.I. for two months
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therefore, it is prayed that he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application and would submit that the victim is suffering from mental disability therefore, she was not able to understand the bad intention of the appellant and did not raise any alarm against him, therefore, the trial Court has rightly convicted the appellant.

Considering the fact particularly the evidence of the prosecutrix wherein she has not objected the appellant when the offence was committed by him. It is also considered that at the time of incident the age of the prosecutrix was above 18 years and the appeal being of the year 2021, final hearing of the same will likely to take time, I am inclined to suspend the sentence of appellant and release him on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **15th December, 2022**. 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.

List this appeal for final hearing in due course.

Sd/-
(Narendra Kumar Vyas)
Judge