



NAFK

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1203 of 2021

- Digam @ Dileshwar Verma S/o Mohit Verma Aged About 19 Years R/o Village Chorbhatti, P.S. Saja, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Saja, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondent

04/01/2022	Shri P.R. Patankar, Counsel for the Applicant. Shri Shresth Gupta, PL for the State/Respondent. Heard on IA No. 01/21, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 01.10.2021, passed by the learned First Additional Sessions Judge (FTC), District - Bemetara (C.G.) in Sessions Trial No. 14/2019, the appellant stands convicted and sentenced as under : <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 376 of Indian Penal Code</td><td>Rigorous imprisonment for 10 years & fine of Rs.2,000/- in default of not payment of fine 2 month of additional rigorous imprisonment.</td></tr></table> Considering the facts and circumstances of the case, the evidence available on record, the statement of the prosecutrix under Section 164 of the Cr.P.C. no specific allegation of rape has been made against the appellant and she denied that the appellant commit rape on her. Further,	Conviction	Sentence	Under Section 376 of Indian Penal Code	Rigorous imprisonment for 10 years & fine of Rs.2,000/- in default of not payment of fine 2 month of additional rigorous imprisonment.
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Under Section 376 of Indian Penal Code	Rigorous imprisonment for 10 years & fine of Rs.2,000/- in default of not payment of fine 2 month of additional rigorous imprisonment.				



considering the statement of PW-12 (mother-in-law of the prosecutrix) who resided with her in the same house, has also not supported the prosecution case, no injury has been found on the body of the prosecutrix, the detention period already undergone by the applicant and that disposal of the appeal is likely to take some time, without further commenting on merits of the case, I am inclined to release the appellant on bail.

Accordingly, the bail application is **allowed**.

It is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **11.04.2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said Court till disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(Gautam Chourdiya)
Judge