



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Proceeding Through Video ConferencingCRA No. 1568 of 2021

1. Chintu @ Shatruhan Satnami S/o Bhav Singh Satnami, Aged About 21 Years, R/o Village Beldahara, Police Station Nawagarh, Civil And Revenue District Bemetara (C.G.).

----Appellant
(In Jail)

Versus

2. State Of Chhattisgarh, Through The Station House Officer, Police Station Nawagarh, Civil And Revenue District Bemetara (C.G.).

---- Respondent

11/02/2022	Mr. Parasmani Shriwas, Counsel for the appellant. Mr. Priyanshu Gupta, P.L. for the State/respondent. Heard on I.A. No. 01/2021, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 01/11/2021 passed by 1st Additional Sessions Judge (F.T.C.) Bemetara, District Bemetara (CG.) in Session Case No. 33/2019, 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>R.I. for 10 years and fine of Rs. 1,000/-, in default of payment of fine additional R.I. for 1 month.</td></tr></table>	Conviction	Sentence	Under Section 376 of Indian Penal Code.	R.I. for 10 years and fine of Rs. 1,000/-, in default of payment of fine additional R.I. for 1 month.
Conviction	Sentence				
Under Section 376 of Indian Penal Code.	R.I. for 10 years and fine of Rs. 1,000/-, in default of payment of fine additional R.I. for 1 month.				



Under Section 456 of Indian Penal Code.

R.I. for 1 year and fine of Rs. 500/-, in default of payment of fine additional R.I. for 15 days.

(Both the sentences were directed to run concurrently)

Counsel for the appellant submits that the impugned judgment is per se illegal and bad in law. There are major contradictions and omissions in the statements of the prosecutrix and other witnesses. The appellant is in jail. The appellant was on bail during trial and did not misuse the liberty so granted. He has already deposited entire fine amount. The disposal of the appeal is likely to take some time, therefore, the appellant be released on bail.

On the other hand, State counsel opposes the bail application.

Heard learned counsel for the parties.

Considering the facts and circumstances of the case, in particular the depositions of PW-02 father-in-law of the prosecutrix and PW-05 prosecutrix, the fact that PW-02 has stated in para 9 of his deposition that the accused would visit his house which was objected by him, whereas the prosecutrix in para 10 of her deposition has denied the suggestion that the appellant had been visiting her house for the last 3-4 years, the fact that PW-02 states that when he called the prosecutrix, neither she replied nor did the appellant who was in her room told anything, the medical evidence on record, the conduct of the prosecutrix during the course of commission of the offence and subsequent thereto, the detention period of the appellant, the appellant was on bail during trial and did not misuse the liberty so granted and he has already deposited the entire fine amount, the fact that disposal of the appeal is likely to take some time, without expressing anything on merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.



Accordingly, the application (**I.A. No. 01/2021**) 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 for his appearance before the Registry of this Court **13th June, 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 disposal of this appeal.

List this case for final hearing in its due course.

**-Sd/-
(Gautam Chourdiya)
Judge**

