

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing
Order Sheet
Criminal Appeal No. 37 of 2022

- Dukalu Baghel son of Jeevrakhan Baghel, aged about 38 years, resident of Village- Mudparkshatri, Police Station- Berla, District Bemetara (C.G.)

----- Appellant

versus

- State of Chhattisgarh, through the Station House Officer, Police Station- Berla, District - Bemetara (C.G.)

----- Respondent

21/01/2022	Shri Umakant Singh Chandel, Advocate for the appellant. Ms. Binu Sharma, Panel Lawyer for the State. Heard on I.A. No. 01 of 2022, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to appellant. Reply has not been filed. State counsel is granted one more opportunity to file reply to the above application (I.A. No. 1/2022). By the impugned judgment dated 24.12.2021 passed by the Additional Sessions Judge, Fast Track Special Court (POCSO Act, 2012), Bemetara (C.G.) in Special Sessions Case No. 08/2020, the appellant stands convicted and sentenced as under: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Conviction</u></th><th style="text-align: center;"><u>Sentences</u></th></tr> </thead> <tbody> <tr> <td>Under Section 354 of IPC</td><td>R.I. for three years and fine of Rs.500/-, in default of payment of fine to further undergo imprisonment for six months</td></tr> <tr> <td>Under Section 8 of Protection of Children from Sexual Offences, 2012</td><td>R.I. for three years and fine of Rs.500/-, in default of payment of fine to further undergo imprisonment for six months</td></tr> </tbody> </table> Considering the material available on record, in particular the fact that maximum sentence awarded to the appellant are of three years, the appellant was on bail during trial and did not misuse the liberty so granted, and that due to Covid-19 pandemic, disposal of this appeal is likely to take some time, without further commenting on merit, I am of the opinion that present is a fit case to	<u>Conviction</u>	<u>Sentences</u>	Under Section 354 of IPC	R.I. for three years and fine of Rs.500/-, in default of payment of fine to further undergo imprisonment for six months	Under Section 8 of Protection of Children from Sexual Offences, 2012	R.I. for three years and fine of Rs.500/-, in default of payment of fine to further undergo imprisonment for six months
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suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No. 01 of 2022) is allowed.

It is directed that the execution of substantive jail sentence imposed upon 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 **14th March, 2022** and thereafter shall appear before the trial Court on a date to be given by the Registry and shall continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

Certified copy as per rules.

List this appeal for final hearing in due course.

Sd/-

(Gautam Chourdiya)
Judge