

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 682 of 2016

Sanat Verma S/O Bahran Singh Verma Aged About 29 Years Occupation Agriculturist,
R/O Village Dunda, Police Station Bemetara, Civil & Revenue District Bemetara,
Chhattisgarh.

---- Appellant

Versus

The State Of Chhattisgarh Through Station House Officer, Police Station Bemetara,
District Bemetara, Chhattisgarh.

---Respondent

24/05/2016	Shri P.P. Sahu, Advocate for the appellant. Smt. Shobha Kashyap, Dy.G.A. for the State/ respondent on advance copy. Heard on admission. Issue notice. Smt.Shobha Kashyap accepts notice on behalf of the State. The instant criminal appeal has been preferred within its limitation. It is admitted for consideration. Record of the Court below be called for through usual and fax mode. Also heard on I.A.No.2/2016 for urgent hearing and I.A.No.3/2016 for hearing the case during Summer Vacation. On due consideration, both the interlocutory applications are disposed of. Heard on I.A. No. 1/2016, application under Section 389 (1) Cr.P.C. for suspension of sentence and grant of bail to the appellant.	

Learned counsel for the appellant submits that the appellant held convicted by the Additional Sessions Judge, Bemetara, District Bemetara (CG) in Sessions Trial No. 100/2015 vide judgment dated 7th May, 2016 under Sections 452, 354, 354A, 354B IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short the 'POCSO Act') and sentenced to undergo R.I. for 3 years and to pay fine of Rs. 1000/-, in default of payment of fine to further undergo R.I. for 1 month under Section 452 IPC; for all other remaining offences and also under the provisions of Section 8 of the POCSO Act, sentenced the appellant jointly being greater in degree under the relevant provisions of Chapter IX, Section 42 of the POCSO Act, R.I. for 3 years and fine of Rs.1000/-, in default of payment of fine to further undergo R.I. 1 month with a further direction to run the sentences concurrently.

Learned counsel for the appellant submits that the appellant has deposited the entire fine amount and he is in jail since 31.10.2015 till date i.e. served the part of the sentence for 6 months and 24 days. He submits that he is the first offender and he has a good case to argue, therefore, he may be given an opportunity to remain on bail by suspending the jail sentence during the pendency of this appeal.

On the other hand, learned counsel for the State opposed the bail application.

For the purposes of appreciation regarding the prayer made

in I.A. No. 1/2016, copy of the impugned judgment perused.

On due consideration of the fact that the appellant has deposited the entire fine amount and he is in jail since 6 months and 24 days; he is the first offender and the sentences are directed to be run concurrently up to the period of 3 years only, I am inclined to allow the I.A. No. 1/2016, for suspension of sentence and grant of bail.

Consequently, the same is allowed.

It is ordered that execution of substantive jail sentences imposed upon the appellant shall remain suspended during pendency of this criminal appeal and he shall be released on bail on his furnishing a personal bond for sum of Rs.25,000/- with one solvent surety of the like amount to the satisfaction of the Additional Sessions Judge, Bemetara, District Bemetara (CG) for his appearance before the said trial Court on **7th July, 2016** and thereafter he shall continue to appear before the said trial Court on all such other subsequent dates as are given to him by the said trial Court, till disposal of this criminal appeal.

The trial Court is directed that in case the appellant fails to furnish bail bonds before 7th July, 2016, then the trial Court is not required to release him unless he gets the date extended which is given to him for his appearance before the trial Court by this Court.

The trial Court is further directed to intimate the Registry of this Court as to whether in compliance of this Court's order, the

appellant has been released on bail or not or the appellant failed to submit the bail bond, within 15 days of its compliance.

The Registry is directed to list this matter for final hearing in due course after receipt of the record.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)
Vacation Judge