

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**CRA No. 81 of 2022**

- Boni Sardar @ Harpreet Singh S/o Late Balvindar Singh, Aged About 24 Years R/o. Atal Awas, Ratakhari Korba, District - Korba Chhattisgarh, District : Korba, Chhattisgarh. **---- Appellant**

**Versus**

- State of Chhattisgarh, Through - Thana - Kotwali, District – Korba, Chhattisgarh. **---- Respondent**

| <b>11.05.2022</b>        | <p>Shri Arvind Prasad, counsel for the appellant.</p> <p>Shri Anurag Verma, P.L. for the State/respondent.</p> <p>Heard on I.A. No. <b>01/2022</b>, application for suspension of sentence and grant of bail.</p> <p>Prosecutrix appeared before this Court alongwith her mother with the aid of DLSA, Korba and both have raised objection to release of the appellant on bail.</p> <p>The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 29.12.2021 passed in Special Case (POCSO) No.26/2018 by the Additional Sessions Judge (F.T.C)/Special Judge (POCSO Act), Korba, District- Korba (C.G.) as under:-</p> <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 354 of IPC</td><td>R.I. for 4 years with fine of Rs. 200/- default in payment of fine amount, additional R.I. for 2 months.</td></tr><tr><td>Under Section 457 of IPC</td><td>R.I. for 4 years with fine of Rs.</td></tr></table> | Conviction | Sentence | Under Section 354 of IPC | R.I. for 4 years with fine of Rs. 200/- default in payment of fine amount, additional R.I. for 2 months. | Under Section 457 of IPC | R.I. for 4 years with fine of Rs. |
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| Conviction               | Sentence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |          |                          |                                                                                                          |                          |                                   |
| Under Section 354 of IPC | R.I. for 4 years with fine of Rs. 200/- default in payment of fine amount, additional R.I. for 2 months.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |          |                          |                                                                                                          |                          |                                   |
| Under Section 457 of IPC | R.I. for 4 years with fine of Rs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |          |                          |                                                                                                          |                          |                                   |

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|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 200/- default in payment of fine amount, additional R.I. for 2 months.                                   |
|       | Under Section 8 of POCSO Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | R.I. for 4 years with fine of Rs. 200/- default in payment of fine amount, additional R.I. for 2 months. |
|       | <p>Considering the facts &amp; circumstances of the case, the maximum sentence awarded to the appellant is 4 years, the detention period of the appellant, 6 days during trial and after conviction till now, the appellant is 24 years old, final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application (<b>I.A. No. 01/2022</b>) is allowed.</p> <p>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 <b>Rs.1,00,000/-</b> with two sureties of <b>Rs. 50,000/-</b> each to the satisfaction of the trial Court.</p> <p>He shall appear before the Registry of this Court on <b>08.07.2022</b> 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.</p> <p>List the case for final hearing in due course.</p> <p style="text-align: right;">Sd/-<br/>(<b>Gautam Chourdiya</b>)<br/>Judge</p> |                                                                                                          |
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