

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****CRA No. 91 of 2022**

1. Shivshankar, S/o Jansai Cherwa, aged about 19 Years, R/o Village Natwahi, Police Station Sonhat, District Koriya (C.G.).
2. Shivilal, S/o Moharsai, aged about 20 Years, R/o Village Natwahi, Police Station Sonhat, District Koriya (C.G.).

----Appellants**Versus**

- State of Chhattisgarh, Through Station House Officer, Police of Police Station Charcha, District Koriya (C.G.).

---- Respondent

10/02/2022	Shri Pravin Kumar Tulsyan, Advocate for the appellants. Shri Chitendra Singh, P.L. for the State. Heard on I.A. No.01 of 2022, application for suspension of sentence and grant of bail to the appellants. By the impugned judgment dated 06.01.2022 passed by the Special Judge (under POCSO Act) Baikunthpur, Koriya, C.G., in Special Criminal Case (under POCSO Act) No.20/2019, whereby the appellants have been convicted under Sections 354, 354-B of Indian Penal Code and Section 8 of the POCSO Act. However, considering the provisions of Section 42 of the POCSO Act, sentenced them under Section 354-B of IPC to undergo imprisonment for three years, while imposing fine of Rs.2,500/-

each, with default sentence of 3 months.

Prosecutrix appeared along with her mother through video conferencing with the help of DLSA, Baikunthpur, District Koriya, C.G. and duly identified by the DLSA Authority. Prosecutrix submits that she has no objection to release of the appellant on bail.

Considering the facts and circumstances of the case, in particular the fact that the maximum sentence awarded to the appellants are of three years, the prosecutrix has raised no objection to release of the appellants on bail, the fact that the appellants were on bail during trial and even after pronouncement of the impugned judgment they have been released on bail and they did not misuse the liberty granted to them and that disposal of the appeal is likely to take some time, without expressing any opinion on the merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellants and to release them 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 the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them 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. They shall appear before the Registry of this Court on

20.06.2022 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 them by the said Court till disposal of this appeal.

List this case for final hearing in due course.

Sd/-
Gautam Chourdiya
Judge