



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 236 of 2025

Bhanu Singh Gond S/o Late Bhura Singh Aged About 32 Years R/o
56, Dafai Khongapani, P.S.- Jhagrakhaand, District- M.C.B., C.G.

... Appellant

versus

State Of Chhattisgarh Through P.S.- Jhagrakhaand, District- M.C.B.,
C.G.

... Respondent

Order Sheet

30/03/2026	Mr. Prahalad Panda, counsel for appellant. Ms. Priya Sharma, P.L. for State. Heard on admission. Admit. Also heard on I.A. No.01/2025, application under Section 430(2) of BNSS for suspension of sentence and grant of bail. By the impugned judgment dated 06.12.2024 passed by learned Additional Sessions Judge, FTSC, POCSO,
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Manendragarh, District Koriya (CG) in Special Criminal Case No. 40/2022, the appellant has been convicted and sentenced as under:-

Conviction	Sentence
U/s 363 of IPC	R.I. for 3 years and fine of Rs.500/-, in default of payment of fine, additional S.I. for 1 month.
U/s 323 of IPC	R.I. for 3 years and fine of Rs.200/-, in default of payment of fine, additional S.I. for 15 days.
U/s 354 of IPC	R.I. for 2 years and fine of Rs.500/-, in default of payment of fine, additional S.I. for 1 month.
U/s 10 of POCSO Act	R.I. for 7 years and fine of Rs.500/-, in default of payment of fine, additional S.I. for 1 month.

(All the sentences were directed to run concurrently)

Learned counsel for appellant submits that there are contradictions in the statements of the victim's mother and maternal-grand-mother regarding the appellant taking the victim. The victim was approximately 2 ½ years old and there is no clear evidence of sexual assault in the court statements of the victim, her mother or her maternal-grandmother. He further submits that the appellant has been in jail since 08.05.2022 i.e. about 3 years 11 months and the appeal being of the year 2025, there is no likelihood of its early final disposal. Therefore, considering all these facts the jail sentence of appellant may be suspended till the final disposal of this appeal and the appellant be released on bail.

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

Despite notice having been served, no one has appeared on behalf of the victim through the concerned DLSA.

Heard learned counsel for the parties and perused the record.

Taking into consideration the overall facts and circumstances of the case, particularly the fact that the appellant has been in jail since 08.05.2022 i.e. about 3 years & 11 months and the final disposal of this appeal is likely to take some time, I am inclined to suspend the jail sentence imposed upon the appellant.

Accordingly, I.A. No. 01/2025 for suspension of sentence and grant of bail is **allowed**. It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended till final disposal of this appeal and he shall be released on bail on his executing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **16th June, 2026**. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and thereafter, continue to appear before the trial Court on all such subsequent dates as are given to him by the said Court till disposal of this appeal.

Record of the Trial Court has already been received.
List the case for final hearing in due course.

**Sd/-
(Sanjay Kumar Jaiswal)
Judge**

Khatai