

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 306 of 2022**

- Ravindra Kumar, S/o Tejuram, Aged About 21 Years, R/o Balsedi, PS Gandhinagar, District- Surguja Chhattisgarh.

---- Appellant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police Chowki Latori, PS Jainagar, District- Surajpur Chhattisgarh.

---- Respondent

13/09/2022	Mr. Hariom Rai, counsel for the Appellant. Mr. Ishwar Jaiswal, P.L. for the State/respondent. Pursuant to the order dated 13.07.2022, prosecutrix and her father appeared on 23.08.2022 through video conferencing from the concerned DLSA, Surajpur and on being asked, they raised their objection regarding grant of bail to the appellant. Heard on I.A. No. 01/2021 which is an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 31.01.2022 passed by learned A.S.J., F.T.C., Special Court, Surajpur, District- Surajpur (C.G.) in Special Trial No.59/2021, the appellant stands convicted for the offence under Sections 363, 366-A & 376 of IPC & Section 4 of the POCSO Act but keeping in view the provision of Section 42 of POCSO Act, appellant has been sentenced as under:-	
	Conviction	Sentence
	U/s 363 of IPC	RI for 7 years and to pay fine amount of Rs. 300/- and in default of payment of fine amount additional R.I. for 6 months

	U/s 366-A of IPC	RI for 10 years and to pay fine amount of Rs.300/- and in default of payment of fine amount additional R.I. for 6 months
	U/s 376 of IPC	RI for 10 years and to pay fine amount of Rs.300/- and in default of payment of fine amount additional R.I. for 6 months All sentences to run concurrently
	Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial court in the judgment without there being any sufficient evidence available on record. He further submits that prosecution witness Dheeraj Mandal (P.W.-3) (Pradhan Pathak) does not support the prosecution case and stated that he has not made any entry regarding the age of the prosecutrix, and, therefore, there is no evidence on record to prove the age of the prosecutrix and the appeal is likely to take some time for its conclusion. Hence, it is prayed that his application be allowed. On the other hand, learned State counsel opposes the bail application and submissions made in this respect. Heard learned counsel for the parties and perused the record of the trial Court. After perusing the impugned judgment and considering the fact that no document in support of the age of the prosecutrix has been filed by the prosecution and there is no likelihood of this appeal to come up for final hearing in near future, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal. Accordingly, I.A. No.01/2021 stands allowed. Execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency 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 solvent surety for the like sum to the satisfaction of the trial court for his appearance before the Registry of this Court on 2nd November, 2022. He shall	

thereafter appear before the trial court on a date to be given by the Registry of this court and shall continue to appear there on all such subsequent dates as given to him by the said Court, till the disposal of this appeal.

List this case for final hearing in due course.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge