



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

CRA No. 427 of 2023

- Abc Nil

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Baradwar, District Janjgir - Champa Chhattisgarh

----Respondent

02/07/2024	Heard Mr. Dharmesh Shrivastav, learned counsel for the appellant and Mr. Vivek Sharma, learned Panel Lawyer appearing for the State / respondent on the instant application for suspension of sentence and grant of bail (IA No. 2 of 2024). This is the second bail application. Earlier bail application i.e. No. 01/2023 was withdrawn by the counsel for the appellant with liberty to revive the same. By the impugned judgment of conviction and order of sentence dated 31.01.2023, learned Special Judge (FTSC), Sakti, District Janjgir Champa (C.G.) in Special Criminal Case No. 24/2022, has convicted



and sentenced the appellant as under:-	
Conviction under Sections	Sentence
10 of the POCSO	R.I. for 5 years with fine of Rs. 2000/- in default of which additional R.I. for 6 months
354 of IPC	R.I. for 1 year with fine of Rs. 1000/- in default of which additional R.I. for 3 months
506 Part-II of IPC	R.I. for 1 year with fine of Rs. 1000/- in default of which additional R.I. for 3 months
Learned counsel for the applicant submits that appellant is innocent and he has been falsely implicated and convicted without any sufficient evidence and the sole conviction is based on the statement of victims and their parent's/relatives who are fabricated prosecution witnesses. He further submits that appellant is in jail since 06.04.2022 and he has undergone two years and two months and the appeal is likely to take some time for its conclusion, hence the appellant has filed the instant application for suspension of sentence and grant of bail. An objection has been filed on behalf of the State/respondent. It was argued by learned Panel Lawyer that looking to the age i.e. 11 years of the Prosecutrix and the gravity of offence committed by the Appellant,	



he does not deserve to be released on bail. The findings arrived at by the learned trial Court is just and proper.

I have heard learned counsel for the parties and perused the records of the Court below.

Taking into consideration the facts and circumstances of the case, particularly taking into consideration the statement of the Prosecutrix (PW-2) as also the age of the Prosecutrix i.e., 11 years, at the time of the incident and considering the gravity of offence committed by the Appellant, this Court finds it appropriate to reject the instant application for suspension of sentence and grant of bail, at this stage.

Accordingly, IA No. 02 of 2024 stands rejected.

Let the matter be listed for final hearing in due course.

Sd/-

**(Arvind Kumar Verma)
Judge**