



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

I.A. No. 1 of 2022

In Re:

CRA No. 404 of 2022

- Pawan Das Hewar S/o Ghasidas, Aged About 25 Years R/o Village Lakhapuri, P.S. Mardapal, District Kondagaon Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Narayanpur Chhattisgarh

---- Respondent

(Cause-title taken from Case Information System)

4/5/2023	Notice is served on the victim, but none appeared. By the impugned judgment of conviction and order of sentence dated 25.1.2022, the Additional Sessions Judge (FTC), Kondagaon, District Kondagaon (CG) in POCSO Case No.3/2021, has convicted the appellant for the offence punishable under Section 4 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo imprisonment for life and pay fine of Rs.1000/-, in default of payment of fine, to undergo additional RI for 3 years; under Section 506(B) of the IPC and sentenced to undergo RI for 3 years and pay fine of Rs.1000/-, in default of payment of fine, to undergo additional RI for one year; and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo life imprisonment and pay fine of Rs.1000/-, in default of payment of fine, to undergo additional RI for 3 years.



Heard Ms. Nirupama Bajpayee, learned counsel for the appellant and Mr. Avinash Singh, Panel Lawyer, appearing for the State/respondent on the instant application for suspension of sentence and grant of bail (I.A. No.01 of 2022).

Learned Counsel for the convict/appellant has argued that the applicant is in jail since 17.12.2020 and the trial Court has misread the evidence on record and convicted the appellants and also, the appeal is likely to take some more time for its conclusion. Hence, learned counsel for the appellant prays for releasing the appellant on bail.

On the other hand, Mr. Avinash Singh, learned Panel Lawyer, opposed and submitted that the victim is a minor girl aged about 16 years eight months and the version given by the victim in her evidence is duly corroborated by the medical evidence. Therefore, the application for grant of bail deserves to be rejected.

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

Considering the nature of allegation and evidence against the appellant and also considering that the allegation of rape is corroborated with the medical evidence, we are not inclined to grant bail to the appellant.

Accordingly, IA No. 1 of 2022 is rejected.

It transpires from the record that the matter is ripe for final hearing.

Let the matter be listed for final hearing.

Sd/-

(Deepak Kumar Tiwari)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice