

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 556 of 2023

- P Prakash Rao @ Pandu S/o P Venkat Rao, Aged About 20 Years R/o Quarter No. 9 B Railway Colony Mouhari Maroda Near Kutti Hotel Police Station Newai, District : Durg, Chhattisgarh

---- Appellant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Newai District Durg Chhattisgarh.

---- Respondent

14/09/2023	Shri Avinash Chand Sahu, counsel for the appellant/s. Shri Ishwar Jaiswal, Panel Lawyer for the State. Notice has been served on the victim Heard on I.A.No.1/2023, application for suspension of sentence and grant of bail. The appellant has been convicted under the impugned judgment of conviction and order of sentence dated 16/02/2023 passed by the learned Additional Sessions Judge, 1st Fast Track Court, Special Judge (POCSO Act) Durg, District - Durg in Special Sessions Case (POCSO) No.208/2020. Case of the prosecution is that when the victim was coming from tuition on her bicycle, the appellant intercepted her and dropped her on the ground along with the bicycle. Next day when she was coming from school, the appellant followed her and with ill intention, he caught hold of her hands and dragged her to sit on his motor cycle. Learned counsel for the appellant submits that the finding recorded by the learned trial Court is contrary to the evidence on record and are perverse. The prosecution has utterly failed to prove the case beyond reasonable doubt. He further submits that the appellant was on bail during the pendency of trial and after conviction, he has been

released on bail by the trial Court itself. Therefore, he prays that the application may be allowed.

Learned State counsel opposes the application.

I have heard learned counsel for the parties and considered their rival submissions.

Looking to the facts and circumstances of the case, evidence collected by the prosecution, considering that the appellant was on bail during trial and he has been released on bail by the trial Court itself and that hearing of the appeal is likely to take some time, I am inclined to allow the application.

Accordingly, I.A.No.1/2023 is allowed. The substantive jail sentence awarded to the appellant is suspended and he is directed to be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- along with one surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **30/10/2023**. 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 further dates as are given to him by the said Court during the pendency of this appeal.

Certified copy as per rules.

Sd/-
(Sachin Singh Rajput)
Judge

