

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 530 of 2022

- Pradeep Uike, S/o Rajkumar Uike, Aged About 19 Years, R/o Nagtarai Bazar Chowk Ward No. 6, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh. **---- Appellant**

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station, Dongargarh, District- Rajnandgaon, Chhattisgarh. **---- Respondent**

07/07/2022	Shri B.P.Singh, counsel for the appellant. Shri Kunal Das, Panel Lawyer for the State/respondent. Heard on I.A. No. 01/2022, application under Section 389 of CrPC for suspension of sentence and grant of bail. The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 04.03.2022 passed in Special Criminal Case No.02/2020 by Additional Sessions Judge, Dongargarh, District- Rajnandgaon (C.G.) as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 8 of POCSO Act</td><td>R.I. for 3 years with fine of Rs. 1,000/- and default in payment of fine amount, additional R.I. for 2 months.</td></tr></table> Learned counsel for the appellant submits that the appellant is falsely implicated, the prosecution was unable to prove the guilt of the appellant, however, on the basis of weak & clumsy evidence and wrong appreciation of evidence, the appellant was convicted by the trial Court.	Conviction	Sentence	Under Section 8 of POCSO Act	R.I. for 3 years with fine of Rs. 1,000/- and default in payment of fine amount, additional R.I. for 2 months.
Conviction	Sentence				
Under Section 8 of POCSO Act	R.I. for 3 years with fine of Rs. 1,000/- and default in payment of fine amount, additional R.I. for 2 months.				

The appellant was on bail during trial and he did not misuse the liberty, after passing of the judgment, his jail sentence has also been suspended for a limited period and disposal of this appeal is likely to take some time, therefore, the appellant be released on bail.

On the other hand, learned counsel for the State submits that the learned trial Court has rightly convicted the appellant under the aforesaid offence after due appreciation of the evidence, looking to the age of the prosecutrix, the manner in which the said offence was committed, the appellant may not be given benefit of bail and his application for suspension of sentence and grant of bail may be rejected.

Heard learned counsel for the parties and perused the record.

Considering the facts & circumstances of the case, the short sentence i.e. 3 years has been imposed upon the appellant, he was on bail during trial and he did not misuse the liberty granted to him, the fine amount has already been paid by him, his sentence has been suspended for a limited time by the trial Court, the age of the appellant who is 19 years old, final disposal of this appeal is likely to take some time, without commenting anything on merits of the case, the application (I.A. No.1/2022) is **allowed**.

It is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his

furnishing a personal bond in the sum of **Rs.50,000/-** with one surety to the satisfaction of the trial Court.

He shall appear before the Registry of this Court on **25.08.2022** and thereafter appear before the trial Court on a date to be given by the Registry and thereafter continue to appear before the trial Court on all such dates as are given to him by the said Court till disposal of this appeal.

List the case for final hearing.

**Sd/-
(Sachin Singh Rajput)
Judge**