

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 574 of 2022

- Giteshwar Verma S/o Shri Jerman Singh Verma Aged About 24 Years R/o Baiji, Police Station And District Bemetara, Chhattisgarh.

--Appellant

Versus

- State Of Chhattisgarh Through The District Magistrate, Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

26.04.2022	Mr. Shivendu Pandya, counsel for the appellant. Ms. Shivnath Shrivastava, P.L. for the State/Respondent. Heard on I.A. No. 01/2022, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 22.03.2022 passed by the Additional Session Judge, Second Fast Track Special Court, Bemetara (C.G.) in Special Criminal (POCSO Act) Case No. 62/2019, the appellant stands convicted and sentenced as under:- <table><tr><th><u>Conviction</u></th><th><u>Sentences</u></th></tr><tr><td>Under section 8 of The Protection of Children From Sexual Offences Act, 2012</td><td>Sentenced to R.I. for 03 years & fine amount of Rs. 1,000/- and in default of payment of fine amount additional R.I. for 6 months.</td></tr><tr><td>Under section 354 of IPC.</td><td>Sentenced to R.I. for 03 years & fine amount of Rs. 1,000/- and in default of payment of fine amount additional R.I. for 6 month.</td></tr><tr><td>Under section 451 of IPC.</td><td>Sentenced to R.I. for 02 years & fine amount of Rs. 500/- in default of payment of fine amount additional R.I. for 3 month.</td></tr></table> (All sentences shall run concurrently)	<u>Conviction</u>	<u>Sentences</u>	Under section 8 of The Protection of Children From Sexual Offences Act, 2012	Sentenced to R.I. for 03 years & fine amount of Rs. 1,000/- and in default of payment of fine amount additional R.I. for 6 months.	Under section 354 of IPC.	Sentenced to R.I. for 03 years & fine amount of Rs. 1,000/- and in default of payment of fine amount additional R.I. for 6 month.	Under section 451 of IPC.	Sentenced to R.I. for 02 years & fine amount of Rs. 500/- in default of payment of fine amount additional R.I. for 3 month.
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Considering the facts and circumstances of the case, in particular the fact that the maximum sentence awarded to the appellant is of three years, that he was on bail during trial except from 04.09.2019 to 24.10.2019, did not misuse the liberty granted to him that he has already deposited the entire fine amount with the concerned trial Court and that the disposal of the appeal is likely to take some time, without expressing any opinion on the merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No. 01/2022) 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. 1,00,000/-** with two sureties of Rs. 50,000/- **each** to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **11.07.2022** 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 this case for final hearing in due course.

Sd/-
(Gautam Chourdiya)
Judge