

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 593 of 2022

Ramesh Sharma, S/o Chhotelal, Aged About 25 Years, R/o Bariganva, Ward No. 10, Near Dairy Farm, Anuppur, District- Anuppur (C.G.)

---- Appellant

Versus

State of Chhattisgarh, Through Thana Jhagrakhand, District - Korla (C.G.)

---Respondent

10.01.2023	Mr. Samir Singh, counsel for the appellant. Ms. Abhyunnati Singh, Panel Lawyer for the State/respondent. Heard on application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 07.02.2022 passed by the learned Additional Sessions Judge FTSC (POCSO) Manendragarh, District- Korla (C.G.) in Special Criminal Case No. 60/2019, the appellant stands convicted, as under:- <table data-bbox="370 1234 1513 1600"> <thead> <tr> <th data-bbox="370 1234 755 1291">Conviction</th><th data-bbox="755 1234 1513 1291">Sentence</th></tr> </thead> <tbody> <tr> <td data-bbox="370 1291 755 1381">U/s 363 of IPC</td><td data-bbox="755 1291 1513 1381">: R.I. for 2 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month.</td></tr> <tr> <td data-bbox="370 1381 755 1472">U/s 366 of IPC</td><td data-bbox="755 1381 1513 1472">: R.I. for 5 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month.</td></tr> <tr> <td data-bbox="370 1472 755 1600">U/s 376 (2)(N) of IPC</td><td data-bbox="755 1472 1513 1600">: R.I. for 10 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month. (All the sentences to run concurrently)</td></tr> </tbody> </table> Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in the case. He would further submit that the appellant has suffered about 5 years & 2 months of jail sentence, which is more than 50% of the sentence awarded to him. He would also submit that there is no likelihood of the appeal coming up for final hearing in the near future, hence, it is prayed that the application be allowed and the appellant may be	Conviction	Sentence	U/s 363 of IPC	: R.I. for 2 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month.	U/s 366 of IPC	: R.I. for 5 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month.	U/s 376 (2)(N) of IPC	: R.I. for 10 years and fine of Rs. 500/- in default of payment of fine additional R.I. for one month. (All the sentences to run concurrently)
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released on bail.

Learned State counsel opposes the bail application and submitted that there is clinching evidence against the appellant regarding commission of offence, therefore, the appellant is not entitled for grant of bail.

Considering the fact that the appellant has already suffered 5 years & 2 months of jail sentence out of total jail sentence i.e. 10 years awarded to him, which is more than 50% of the sentence awarded to him and also considering the fact that the appeal being of the year 2022, final hearing of the same will likely to take time, I am inclined to suspend the sentence of the appellant and release him on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **13th February, 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 subsequent dates as are given to him by the said court till the disposal of this appeal.

List this appeal for final hearing in its chronological order.

**Sd/-
(Narendra Kumar Vyas)
Judge**