

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 597 of 2022

- Chandram Kurre, S/o Tenganu Kurre, Aged About 50 Years, R/o Satnamipara, Kikirda, P. S. Birra, District- Janjgir Champa, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Birra, District Janjgir Champa, Chhattisgarh.

---- Respondent

11.07.2022	Shri Pushpendra Kumar Patel, counsel for the appellant. Shri Kunal Das, P.L. 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 24.03.2022 passed in Special Sessions Case No.28/2021 by the Special Judge (POCSO Act), Janjgir, District-Janjgir-Champa (C.G.) as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 454 of IPC</td><td>R.I. for 6 months and fine of Rs. 500/-, default in payment of fine amount, additional R.I. for 10 days.</td></tr><tr><td>Under Sections 354 of IPC & 8 of POCSO Act</td><td>R.I. for 3 years and fine of Rs. 1,000/-, default in payment of fine amount, additional R.I. for 20 days.</td></tr><tr><td></td><td></td></tr></table> Learned counsel for the appellant submits that there is no reliable evidence against the present appellant to involve him in this case, essential ingredients of the offence for convicting the appellant are missing, the appellant was on bail during trial & after conviction but he did not misuse the liberty granted to him, fine amount has already been	Conviction	Sentence	Under Section 454 of IPC	R.I. for 6 months and fine of Rs. 500/-, default in payment of fine amount, additional R.I. for 10 days.	Under Sections 354 of IPC & 8 of POCSO Act	R.I. for 3 years and fine of Rs. 1,000/-, default in payment of fine amount, additional R.I. for 20 days.		
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deposited 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 opposes bail application.

The prosecutrix alongwith her father appeared before this Court on 04.05.2022 and she raised objection to release of the appellant on bail.

Considering the facts & circumstances of the case, the short sentence has been imposed upon the appellant i.e. 3 years, looking to the statement of the victim (PW/1), he was on bail during trial & after conviction, he did not misuse the liberty granted to him, fine amount has already been deposited, 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.25,000/-** with one surety to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **27.09.2022** 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