

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1028 of 2022

- Motilal Kanvar S/o Chhat Ram Kanvar Aged About 42 Years R/o Village Amadarha, Ward No. 13, Police Station Baradwar, District Janjgir-Champa (C.G.)

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baradwar, District Janjgir Champa (C.G.)

---Respondent

14.11.2022	Mr. Jeet Ram Patel, counsel for the appellant. Mr. R.M. Solapurkar, Government Advocate for the State. Heard on application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 18.04.2022 passed by the learned Additional Sessions Judge FTSC Sakti, District- Janjgir-Champa (C.G.) in Special Criminal Case No. 23/2020, the appellant stands convicted, as under:- <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>U/s 458 of IPC</td><td>: R.I. for 3 years and fine of Rs.1000/-, in default of payment of fine, 6 months R.I.</td></tr> <tr> <td>U/s 506-part II of IPC</td><td>: R.I. for 1 years and fine of Rs.500/-, in default of payment of fine, 3 months R.I.</td></tr> </tbody> </table>	Conviction	Sentence	U/s 458 of IPC	: R.I. for 3 years and fine of Rs.1000/-, in default of payment of fine, 6 months R.I.	U/s 506-part II of IPC	: R.I. for 1 years and fine of Rs.500/-, in default of payment of fine, 3 months R.I.
Conviction	Sentence						
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U/s 506-part II of IPC	: R.I. for 1 years and fine of Rs.500/-, in default of payment of fine, 3 months R.I.						

U/s 08 of the POCSO : Act	R.I. for 3 years and fine of Rs.2000/-, in default of payment of fine, 6 months R.I.
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The victim has appeared before this Court through DLSA and has raised objection in releasing the appellant on bail.

Learned counsel for the appellant would submit that the appellant has remained in jail for 53 days during trial thereafter during the trial he was on bail and after conviction, learned trial Court has granted him bail. He would further submit that the appeal being of the year 2022, final hearing of the same may take some time, therefore, the appellant may kindly be released on bail.

On the other hand learned State counsel opposes the bail application.

Considering the fact that the appellant has remained in jail for 53 days and considering the fact that short sentence has been awarded, the appeal being of the year 2022 may take time for disposal of the case, I am inclined to suspend the sentence and release the appellant 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 to the appellant shall remain suspended

and he shall be released on bail on 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 **5th January, 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 on all such subsequent dates as to be given to him by the said Court till the disposal of this appeal.

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

kkd