

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 1063 of 2024**

Ashish Soni @ Aashik S/o Deendayal Bhujade Aged About 30 Years At Devripara, Post Soni, P/s Gorangaon, District Gondiya M.H. Currently At Professor Colony, Sector 03, Street No. 05, Near Ganesh Kirana P.S. Purani Basti, Raipur (C.G.)

... Petitioner**versus**

State Of Chhattisgarh Through S.H.O. P.S. Gudhiyari, Raipur (C.G.)

... Respondent**Order Sheet**

14/08/2024	Mr. Vinay Nagdev, through VC, Counsel for the Appellant. Ms. Pragya Pandey, Dy. Government Advocate for the State. Heard on I.A. No. 01/2024, an application under Section 389 of Cr.P.C. for suspension of sentence and grant

of bail.

By the impugned judgment of conviction and sentence dated 09.05.2024 passed by Learned Additional Sessions Judge Special Judge (FTC) (POCSO), District- Raipur (C.G.) in Special Sessions Trial (POCSO) No. 202/2019 has convicted and sentenced the appellant as under:

<u>CONVICTION</u>	<u>SENTENCE</u>
U/s 376 AB read with Section 511 of IPC	RI for 10 years with fine of Rs. 2,000/- and in case of default, RI for 4 months.
U/s 6 read with Section 18 of POCSO Act, 2012	

Learned Counsel for the Appellant contended that the appellant has prima facie good case in his favor and he is hopeful to succeed on it. The appellant was on bail during trial. The disposal of this appeal is likely to take long time. The appellant is ready to abide all the terms and conditions which may be imposed by this Hon'ble Court while suspending the jail sentence of the appellant.

Learned State Counsel objected the prayer stating that in the judgment rendered by the Trial Court all incriminating circumstances are against the accused/appellant which connects him with the crime and chain of circumstances are fully linked and completed with each other.

I have heard learned Counsel for the parties and perused the record with utmost circumspection.

Considering the material available on record and

	particularly the fact that the appellant has been convicted under Section 6 read with Section 18 of POCSO Act, 2012. As per prosecution story, the appellant has committed rape with minor girl who is of the age of 5 years. Therefore, this Court finds it appropriate to reject the application for suspension of sentence and grant of bail, at this stage. Accordingly, I.A. No. 01 of 2022 stands rejected. List this case for final hearing in its due course. Sd/- (Arvind Kumar Verma) Judge
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Madhurima