

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1059 of 2022

Danial Masih S/o John Walter Aged About 45 Years R/o Jora, Telibandha, District : Raipur, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District : Raipur, Chhattisgarh.

---- Respondent

20/07/2022	Shri C.R. Sahu, counsel for the appellant. Shri Ankur Kashyap, P.L. for the State. Heard. State counsel submits that notice has served upon the prosecutrix. Also heard on I.A. No.1 of 2022, application under Section 389 (2) of CrPC for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 20/06/2022 passed by the Additional Sessions Judge, First Fast Track Special Court, Raipur (C.G.) in Special Criminal Case No. 70/2019, the appellant stands convicted and sentenced as under :- <table><tr><td>Conviction</td><td></td><td>Sentence</td></tr><tr><td>Under Section 354 of Indian Panel Code.</td><td></td><td>R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.</td></tr><tr><td>Under Section 8 of POCSO Act</td><td></td><td>R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.</td></tr></table>	Conviction		Sentence	Under Section 354 of Indian Panel Code.		R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.	Under Section 8 of POCSO Act		R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.
Conviction		Sentence								
Under Section 354 of Indian Panel Code.		R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.								
Under Section 8 of POCSO Act		R.I. for three years and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.								

Under Section 12 of POCSO Act

R.I. for one year and fine amount of Rs.500/-. In default of payment of fine further R.I. for one month.

All the sentences are run concurrently.

Considering the short sentence awarded to the appellant i.e. three years R.I. he was on bail during trial, he did not misuse the liberty so granted and disposal of this appeal is likely to take some time, without further commenting on merit, 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.1 of 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 concerned trial Court. He shall appear before the Registry of this Court on **28/09/2022** 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 this appeal for final hearing.

Sd/-

(Sachin Singh Rajput)

JUDGE