

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1194 of 2016

- Rameshwar Bhagat S/o Lachchhan Aged About 39 Years R/o Village Narayanpal, Police Station Lohandiguda, Revenue & Civil District Bastar, Chhattisgarh.

Versus

- State Of Chhattisgarh Through Police Station Lohandiguda, District Bastar, Chhattisgarh.

23.01.2017	Mr. P.K. Tulsyan, Counsel for the Appellant. Mr. Vinod Tekam, Panel Lawyer for the State. Heard on I.A. No.1/2016, application under Section 389 of the Cr.P.C. for suspension of sentence and grant of bail. Learned Counsel for the Appellant would submit that the Appellant remained in custody from 16.06.2015 till 20.10.2015 and thereafter from 15.09.2016 to till date. Thus, he has served sentence for 8 months and 12 days till date. The Appellant has been convicted for the offence under Section 354 of the Indian Penal Code to undergo R.I. for 5 years and also under Section 8 of the Protection of Children from Sexual Offence Act, 2012 to undergo R.I. for 5 years and further directed to pay fine of Rs. 1000/-, 1000/- and in default of payment of fine to further undergo additional imprisonment for 6 months. Further directed that both the substantive jail sentences shall run concurrently. The Appellant is first offender without any criminal antecedent. He has a good case	

to argue and despite opportunities he had not made any further sexual assault as expected, hence the sentence may be suspended and he may be released on bail during the pendency of the instant criminal appeal.

Learned State Counsel has opposed I.A. No.1.\2016.

Perused the judgment dated 15.09.2016.

Looking to the period of detention, the conviction and the sentence awarded to the Appellant along with the fact that both the substantive jail sentence were directed to run concurrently and also as the Appellant is not having criminal antecedent, without commenting anything on its merits, this Court is inclined to allow I.A. No.1/2016.

Consequently, I.A. No.1/2016 is hereby 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 if furnishes personal bond for an amount of Rs. 20,000/- with one solvent surety of the like amount to the satisfaction of the Additional Sessions Judge (F.T.C.), Jagdalpur District Bastar for his appearance before the said trial Court on **27.02.2017** and thereafter he shall continue to appear before the said trial Court on all such other subsequent dates as are given to him by the said Court, till the disposal of this Appeal.

It is further directed that in case the Appellant fails to furnish bail bond before that date then the trial Court is not required to release the accused Appellant on bail unless the date is extended which is given to him for his appearance

before the trial Court by this Court.

The trial Court is further directed to intimate immediately the Registry of this Court as to whether in compliance of this Court's order, the Appellant has been released on bail or not or the Appellant has failed to submit bail bond, within 15 days of its compliance.

Certified copy as per rules.

List the matter for final hearing in its due course.

Sd/-

Chandra Bhushan Bajpai
Judge