

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 143 of 2016

- Sahet Ram S/O Maninath Ram Aged About 25 Years R/O Village Bartikra, Police Station Darima, District Surguja, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Darima, District Surguja, Chhattisgarh.

---- Respondent

20/04/2016	<p>Shri Kishore Narayan, counsel for the appellant.</p> <p>Shri Vivek Sharma, G.A. for the State.</p> <p>Heard on I.A. No.01, application for suspension of sentence and grant of bail.</p> <p>By the impugned judgment dated 16.12.2015 passed by the Additional Sessions Judge (FTC), Surguja (Ambikapur) in Sessions Trial No.106/2014 the accused/appellant stands convicted under Sections 363 and 354 IPC and Section 10 of the Protection of Children from Sexual Offences Act and sentenced to undergo RI for four years respectively under Sections 363 & 354 and RI for six years u/s. 10 and fine of Rs. 1,000/- on each count with default stipulations.</p> <p>Contention of the counsel for the appellant is that there is no evidence showing the prosecutrix to be minor. He further submits that the statement of the minor child was neither recorded by the police nor she was produced before the court. Lastly, it has been argued that the appellant is in jail since last one year and five months, the appeal is likely to take sometime for its final disposal, therefore he may be released on bail.</p>	

On the other hand, counsel for the State opposes the bail application.

Considering the totality of the case, in particular the nature of evidence adduced by the prosecution, the detention period of the accused/appellant and further the fact that the appeal will take sometime for final disposal of the appeal, without further commenting on merits, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant.

Accordingly, the application is allowed.

It is directed that the 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. 10,000/- with one surety in like sum to the satisfaction of the trial court. The appellant need not give appearance anywhere until and unless otherwise directed.

Sd/-

Pritinker Diwaker
Judge