

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 938 of 2021

- Balakram Baghel S/o Sukulram Baghel Aged About 19 Years Caste Mahara, R/o Vill. Munga Kotawarpara, Thana Darbha, Distt. Bastar, Chhattisgarh

---- **Appellant**

Versus

- State of Chhattisgarh Through Aarkshi Kendra - Parpa / Ajak Jagdalpur, Distt. Bastar, Chhattisgarh

---- **Respondent**

19/10/2023	Shri Vikash A. Shrivastava, Advocate for the Appellant. Shri Arijit Tiwari, PL for the State. Heard on I.A. No.1, which is an application for suspension of sentence and grant of bail. The appellant stands convicted by the judgment dated 29/07/2021 passed by the Special Judge {Schedule Caste and Schedule Tribe (Prevention of Atrocities Act, 1989)}/Special Court (under POCSO Act), Jagdalpur, District Bastar, C.G. in Special Criminal Case (POCSO) No.19/2019 for the offence punishable under Section 376 of Indian Penal Code and Section 3 (2) (v) of the SC & ST Act and sentenced to undergo R.I. for 10 Years and Life Imprisonment, respectively, and to pay fine of Rs.2000/-, for each offence with usual default stipulation.

Learned Counsel for the appellant submits that the trial Court has wrongly convicted the appellant though the prosecutrix is a consenting party and he has drawn attention of the Court towards the statement of the prosecutrix and further stated that the appellant has also been acquitted from the charges under Section 6 of the POCSO Act. Therefore, the sentence imposed upon the appellant may be suspended and he may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

The father of the victim appeared in person before this Court and did not raise any objection with regard to grant of bail to the appellant.

Having considered the submission and also perusing the statement of the prosecutrix, without commenting on the merits, particularly considering that there is no objection from the parent of the prosecutrix, we are of the view that strong case is made out for grant of suspension of sentence and grant of bail to the appellant.

Accordingly, I.A. No.1 application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on the appellant **Balakram Baghel** shall remain suspended during the

pendency of this appeal and he is directed to be released on bail on his executing personal bond for a sum Rs.10,000/- with one surety for the like sum to the satisfaction of the trial court for his appearance before the Registry of this Court on **20/12/2023**. 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 there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

SD/-

(Goutam Bhaduri)
Judge

SD/-

(Deepak Kumar Tiwari)
Judge

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