

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1111 of 2022

Dheeru @ Dheeraj Kumar Shukla **Versus** State of CG

25/07/2022	Shri M.K. Beg counsel for the appellant. Ms. Pushplata Xalxo PL for the respondent/ State. Heard on IA No. 01 for suspension of sentence and grant of bail. 2. By the judgment dated 24.6.2022 passed by Special Judge (FTSC) Sakti, District Janjgir Champa in Special Criminal Case No. 16/2021, the appellant has been convicted under Sections 12 of the POCSO Act and 506-II IPC and sentenced to undergo RI for three months with fine of Rs. 1000/- on each count, plus default stipulation. 3. Case of the prosecution in short is that when she was studying in class X, the appellant herein gave her a mobile phone to talk with him and that when she refused to do so, he threatened to kill her brother. 4. Counsel for the appellant submits that the findings recorded by the Court below are not based on due appreciation of the evidence of the witnesses, that the fine amount has been paid by the appellant and that the trial may take some more time for conclusion, the sentence imposed on the appellant may be suspended and he may be released on bail. 5. On the other hand, State counsel opposes the application for suspension of sentence and grant of bail. 6. Prosecutrix appeared through VC and raised objection for bail. 7. After hearing counsel for the parties, considering the facts and circumstances of the case, that the fine amount has already been paid and that the appeal is likely to take some time for disposal, this Court is of the opinion that it is a fit case to suspend the substantive sentence imposed on the appellant and release him on bail. Accordingly, the application is allowed. It is directed that on appellant's furnishing a bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the trial Court the

substantive sentence imposed on him shall remain suspended and he shall be released on bail. The appellant shall first appear before the Registry of this Court on 28.9.2022 and thereafter continue to appear there on all the dates as are given to him in this regard.

List the case for final hearing.

Sd/-

(Sachin Singh Rajput)

Judge