

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1150 of 2022

Ajay Dhritlahre **Versus** State of CG

05/08/2022	Ms. Supriya Upasne counsel for the appellant. Shri Ankur Kashyap PL for the respondent/ State. Heard on IA No. 01 for suspension of sentence and grant of bail. 2. By the judgment dated 2.7.2022 passed by Additional District and Sessions Judge (FTC) (POCSO) Balodabazar in Criminal Case (POCSO) No. 39/2019, the appellant has been convicted under Section 354 IPC and section 8 of the POCSO Act and sentenced to undergo RI for one year with fine of Rs. 500/- u/s 354 IPC and RI for three years with fine of Rs. 500/- u/s 8 of POCSO Act, plus default stipulations. 3. Case of the prosecution in short is that the appellant caught hold of the hand of the prosecutrix with an intention to outrage her modesty, and thus committed the offence alleged. 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 and that the appeal may take some more time for final disposal, 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 and her father appeared before this Court and raised serious objection to the grant of bail to the appellant. 7. After hearing counsel for the parties, considering the facts and circumstances of the case, 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 06.09.2022 and thereafter before the trial Court on a date given by the Registry of this Court and then shall go on appearing there as and when so directed.

8. List the case for final hearing.

Sd/-
(Sachin Singh Rajput)
Judge