



CGHC010173702026

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1162 of 2026

Palash Tiwari S/o Shri Santosh Tiwari Aged About 36 Years R/o Om Society Sundar Nagar, Police Station D.D. Nagar District- Raipur (C.G.)

---Appellant

versus

State Of Chhattisgarh Through- Police Station Azad Chowk District- Raipur (C.G.)

--- Respondent

CRA No. 1637 of 2026

Vriddhi Sahu @ Vriddhi Manwani W/o Sunny Manwani Aged About 21 Years At- Saddu Sector 03, Near Ekta Chowk, PS Vidhansabha, Raipur, C.G.

---Appellant

Versus

State Of Chhattisgarh Through SHO P/S Azad Chowk, District Raipur, C.G.

--- Respondent

09/09/2026	Mr. Sunil Otwani, Sr. Advocate with Mr. Bhupendra Shrivastava and Mr. Ansh Goyal, counsel for the appellant in CrA No.1162/2026. Mr. Vinay Nagdev, Advocate appears through Video Conferencing for the appellant in CrA No.1637/2026. Mr. Vinod Tekam, Govt. Advocate for the State/ respondent. Heard on I.A. No.01/2026, applications under Section 430(1) of the Bharatiya Nagarik Suraksha Adhiniyam, 2023 for suspension of sentence and grant of bail to the appellants in both the appeals. By the impugned judgment of conviction and order of sentence dated 22.04.2026 passed by learned Upper Sessions Judge, Second Fast Track Special Court (POCSO), Raipur Distt. Raipur (C.G.) in Special Criminal Case No.98/2021, the appellants have been convicted and sentenced as follows :- <table><tr><th>Name of accused</th><th>Conviction U/s.</th><th>Jail Sentence</th><th>Fine Sentence</th><th>Default Stipulation</th></tr><tr><td></td><td>509B IPC</td><td>R.I. for 02 years</td><td>Rs.500/-</td><td>R.I. for 01 month</td></tr><tr><td>Palash Tiwari</td><td>67 of Information Technology Act, 2000</td><td>RI for 03 years</td><td>Rs.10,000/-</td><td>RI for 01 month</td></tr></table>	Name of accused	Conviction U/s.	Jail Sentence	Fine Sentence	Default Stipulation		509B IPC	R.I. for 02 years	Rs.500/-	R.I. for 01 month	Palash Tiwari	67 of Information Technology Act, 2000	RI for 03 years	Rs.10,000/-	RI for 01 month
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Vridhi Sahu @ Vridhi Manwani	67 of Information Technology Act, 2000	RI for 03 years	Rs.10,000/-	RI for 01 month
Both the sentences of Palash Tiwari are directed to run concurrently				
Learned counsel for the appellants submit that the appellants have been convicted and sentenced to undergo imprisonment for a maximum period of three years. They further submit that during the trial, the appellants were on bail and they never misused the same. Their jail sentences have also been suspended by learned Special Court till filing of the appeal. It is further submitted that the fine amount has already been deposited before the learned Special Court by the appellants. Learned counsel further submits that the prosecution has failed to establish as to in whose mobile phone the alleged obscene video was recorded. It is submitted that the said obscene video was allegedly seen in the mobile phone of appellant Palash Tiwari; however, neither the mobile phone nor the SIM card inserted therein was registered in the name of appellant Palash Tiwari. Rather, the said SIM card was registered in the name of one Vikas Kumar Yadav. Learned counsel submits that the appellants have a good case on merits and there are reasonable chances of their succeeding in the appeal. It is, therefore,				

prayed that the applications for suspension of sentence filed by the appellants may kindly be allowed and the sentences imposed upon them may be suspended till the disposal of the appeal.

Per contra, learned State counsel opposes the bail applications.

The Victim appears through Video Conferencing from Central Jail, Raipur. She submits that she does not know either of the appellants and she has no objection if their applications for suspension of sentences are allowed.

I have heard learned counsel for the parties and perused the record carefully.

It is stated that maximum jail sentence imposed upon the appellants is three years and they were on bail during the trial. Their jail sentences have been suspended by the learned Special Court till filing of the appeal. Having considered aforesaid facts and considering the evidence and further the appeals may take reasonable time for its final conclusion, I feel inclined to allow the applications for suspension of sentence and grant of bail to the appellants.

In view of above, I.A. No.01/2026, applications for suspension of sentence and grant of bail to the appellants in both the appeals are allowed.

The substantive jail sentences imposed upon the appellants by the learned Special Court are hereby suspended. They shall be released on bail on each of

them executing a personal bond in the sum of **Rs.25,000/-** with two sureties of the like amount to the satisfaction of the concerned trial Court for their appearance before the Registry of this Court on **09.10.2026**. They shall thereafter appear before the concerned 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 them by the said Court, interval being not less than 6 months, till final disposal of this appeal.

List these matters for final hearing in due course.

Sd/-

(Naresh Kumar Chandravanshi)

Judge