

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1151 of 2022

Sharif Khan S/o Salauddin Khan Aged About 18 Years R/o Village Nagpura, Dongaghat, Police Station Pulgaon, District Durg (C.G.).

---- Appellant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Pulgaon District Durg (C.G.).

---- Respondent

05/08/2022	Shri Sudhanshu Kumar Singh, Advocate appears on behalf of Shri B.P. Singh, counsel for the appellant. Shri Sameer Oraon, Govt. Advocate for the State. Heard on I.A. No.1 of 2022, application under Section 389 of CrPC for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 07/07/2022 passed by the Additional Sessions Judge, First Fast Track Court, Special Judge (POCSO Act) Durg, District Durg (C.G.) in Special Session Case (POCSO) No 67/2018, the appellant stands convicted and sentenced as under :- <table><tr><td>Conviction</td><td></td><td>Sentence</td></tr><tr><td>Under Section 354 of Indian Penal Code</td><td></td><td>R.I. for 2 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.</td></tr><tr><td>Under Section 8 of POCSO Act.</td><td></td><td>R.I. for 3 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.</td></tr></table>	Conviction		Sentence	Under Section 354 of Indian Penal Code		R.I. for 2 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.	Under Section 8 of POCSO Act.		R.I. for 3 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.
Conviction		Sentence								
Under Section 354 of Indian Penal Code		R.I. for 2 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.								
Under Section 8 of POCSO Act.		R.I. for 3 years and fine of Rs. 200/-. In default of payment of fine further simple imprisonment for one month.								

Counsel for the appellant submits that the maximum sentence is awarded three years and during trial appellant was in jail from 26/08/2018 to 14/09/2018, during the trial appellant was enlarged on bail and he never misused the liberty of bail, therefore he may be enlarged on bail.

Prosecutrix and her father are present before this Court through Video Conferencing from the concerned DLSA, Durg and have raised their serious objection with regard to granting bail to the appellant.

State counsel has opposes the suspension of sentence and grant of bail to the appellant.

Heard learned counsel for the parties.

Looking to the facts and circumstances of the case, he did not misused the liberty of bail, disposal of the appeal will take some time, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No.1 of 2022) is allowed.

It is directed that the execution of substantive 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.50,000/- with one surety for the like sum to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **28/09/2022** and thereafter shall appear before the trial Court on a date to be given by the Registry and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till disposal of this appeal.

List this appeal for final hearing.

Sd/-
(Sachin Singh Rajput)
JUDGE