



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. A. No. 1407 of 2024Abhishek Kumar Gupta **versus** State of Chhattisgarh

12.02.2025	<p>Mr. Raza Sharma, Advocate for the Appellant.</p> <p>Ms. Laxmin Kashyap, PL for the respondent-State.</p> <p>Heard on I.A. No.1, application for suspension of sentence and grant of bail to the appellant, during pendency of this appeal.</p> <p>By the impugned judgment Annexure A-1, appellant stands convicted under Sections 354A (1), 354D(1) of the IPC; Section 10 of the POCSO Act and sentenced him to undergo RI for 07 years with fine of Rs.1,00,000/-.</p> <p>Learned counsel for the appellant submits that appellant has been falsely implicated in this case, he has not committed any offence as alleged against him. Trial Court convicted the appellant without there being any sufficient evidence/material available on record. There is material contradictions and omissions in the statements of victim and other prosecution witnesses. During trial, appellant was on bail and he</p>

never misused liberty granted to him earlier. Appeal may take time for final hearing, hence, looking to the detention period of appellant ie more than 01 years, sentence awarded to him be suspended and he may be enlarged on bail.

Learned State Counsel opposing submission of counsel for appellant, would submit that applicant/accused is a teacher and victim is his student aged about 11 years and 07 months. Applicant has tried to outrage the modesty of her student during school time. Looking to the nature of offence and age of victim, appellant is not entitled for grant of bail.

Heard counsel for the respective parties, perused statements of witnesses and other materials available on record.

Pursuant to order of this Court, victim was appeared before this Court and raised objection in granting bail to the appellant.

Considering facts of the case, submissions of counsel for the respective parties, statement of victim/prosecutrix, other evidence/material available on record, nature of offence and age of victim, I am not inclined to allow the suspension application.

Accordingly, **I.A. No.1** is hereby rejected.

List this case for final hearing.

Sd/-
(Arvind Kumar Verma)
Judge