

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1340 of 2018**

- Rajababu Sarathi, S/o Belbaran Sarathi, aged about 27 Years, R/o Mitthumuda, Bajrang Deepa, Savitrinagar Raigarh, at Present Resident af Village Binjkot, Police Station- Bhupdevpur, District- Raigarh Chhattisgarh.

----Appellant**Versus**

- State of Chhattisgarh, through Station House Officer, Police Station- Bhupdevpur, District- Raigarh, Chhattisgarh.

---- Respondent

06/01/2020	Shri Viprasen Agrawal, counsel for the appellant. Shri Aditya Sharma, P.L. for the State. Heard on I.A. No. 02/18, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 06.02.2018 passed by Additional Sessions Judge, FTC, Raigarh, District Raigarh, C.G. in Special Criminal Case under the POCSO Act No.89/2016, the appellant stands convicted and sentenced as under: <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 6 of the Protection of Children from Sexual Offences Act, 2012</td><td>Life imprisonment and fine of Rs.2,000/-, in default of payment of fine additional R.I. for 2 years</td></tr></table> Considering the statements of PW-1 Mahi, aged 7 years and PW-2 Muskan, aged 10 years, both friends of the prosecutrix who were playing with the prosecutrix at the relevant time, and have not supported the case of the prosecution as also considering the examination in chief of the prosecutrix, aged 5 years examined as PW-6, we are inclined to suspend the	Conviction	Sentence	Under Section 6 of the Protection of Children from Sexual Offences Act, 2012	Life imprisonment and fine of Rs.2,000/-, in default of payment of fine additional R.I. for 2 years	
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sentence and release the appellant on bail.

Accordingly, I.A. No.2/18 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.25,000/- with one surety in like sum to the satisfaction of the trial Court. He shall appear before the Trial Court on **13th March, 2020** and thereafter continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge