

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1046 of 2017

Rakesh Kalet, S/o. Lakhan Kalet, Aged About 23 Years, R/o. Village Baitari,
Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh, Through Station House Office, Police Station Saraipali,
District Mahasamund, Chhattisgarh.

----Respondent

10.07.2017	Mr. Vikash Pradhan, Advocate for the Appellant. Mr. Anupam Dubey, Dy. Govt. Advocate for the State. Heard Admit Call for the record. Also heard on I.A.No.1, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction dated 22.06.2017 passed by the learned Special Judge (POCSO Act, 2012) Saraipali, District Mahasamund (C.G.) in Special Sessions Case No.15/2016 in the following manner with a direction to run both the sentence concurrently. <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>U/s. 354 of I.P.C.</td><td>:</td><td>R.I. for 2 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.</td></tr><tr><td>U/s. 456 of I.P.C.</td><td>:</td><td>R.I. for 2 year and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.</td></tr><tr><td>U/s. 8 of POCSO Act, 2012</td><td>:</td><td>R.I. for 3 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.</td></tr></table>	Conviction		Sentence	U/s. 354 of I.P.C.	:	R.I. for 2 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.	U/s. 456 of I.P.C.	:	R.I. for 2 year and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.	U/s. 8 of POCSO Act, 2012	:	R.I. for 3 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.
Conviction		Sentence											
U/s. 354 of I.P.C.	:	R.I. for 2 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.											
U/s. 456 of I.P.C.	:	R.I. for 2 year and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.											
U/s. 8 of POCSO Act, 2012	:	R.I. for 3 years and fine of Rs.500/-, in default of payment of fine, 2 months additional R.I.											

Learned counsel for the appellant would submit that the trial Court has already suspended the sentence during trial and the appellant is on bail, the sentence awarded is only for three years and the appeal will take some time for hearing on merits, therefore, the appellant may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the short sentence and the fact that the appellant is on bail and the appeal will take some time for hearing, I am inclined to suspend the sentence and release the appellant on bail.

Accordingly, I.A.No.1, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **5th September, 2017**. He shall thereafter appear before the 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 him by the said Court, till the disposal of this appeal.

Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge