



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1385 of 2025SHIVKUMAR DEWANGAN **versus** STATE OF CHHATTISGARH**Order Sheet**

22/07/2025	Mr. Rahul Mishra, counsel for the appellant. Mr. Vivek Sharma, Panel Lawyer, for the State. Ms. Varsha Sharma, counsel for the objector. Heard on I.A.No.1/2025 an application for suspension of sentence and grant of bail. The victim is present in person and has raised objection to granting bail to the appellant. By the impugned judgment dated 30.06.2025 passed by the learned Special Judge, SC & ST (POA) Act, Balrampur, Ramanujganj (C.G) in Special Sessions Case (Atrocity) No. 44 of 2022, the appellant stands convicted and sentenced as under : <table><tr><td>U/s 457 of IPC</td><td>:</td><td>RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month</td></tr><tr><td>U/s 354 of IPC</td><td>:</td><td>RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month</td></tr><tr><td>U/s 3(1)(ba)(1) of SC/ST (PoA) Act</td><td>:</td><td>RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month</td></tr></table>	U/s 457 of IPC	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month	U/s 354 of IPC	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month	U/s 3(1)(ba)(1) of SC/ST (PoA) Act	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month
U/s 457 of IPC	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month								
U/s 354 of IPC	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month								
U/s 3(1)(ba)(1) of SC/ST (PoA) Act	:	RI for 1 year and fine of Rs.500/-, in default of payment of fine, additional RI for 1 month								

Learned counsel for the appellant would submit that at the time of incident, the victim was married lady of 31 years having children and the incident is said to have taken place in the court-yard of her house where her children were also sleeping, therefore, the statement of prosecutrix that the appellant entered into the court yard of her house and tried to commit sexual act appears to be doubtful. He further submits that the appellant was enlarged on bail during trial and did not misuse the liberty granted to him and even after passing the judgment of conviction and sentence, his jail sentence has been temporarily suspended by the trial Court so as to facilitate him to file appeal and get bail from this Court. He further submits that the maximum sentence awarded to the appellant is RI for one year and there is no immediate possibility of hearing of appeal on merits, therefore, the remaining jail sentence of the appellant be suspended.

Per contra, learned State Counsel opposes the prayer.

Considering the fact that presently the appellant is on bail and during trial, the appellant was released on bail and did not misuse the liberty granted to him and further looking to the short term sentence as also the fact that the hearing of appeal on merits is likely to take time, I am inclined to suspend the jail sentence of the appellant during the pendency of this appeal

Accordingly, I.A.No. 1 is allowed and it is directed that the execution of substantive jail sentence of the appellant shall remain suspended on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the

Rao	Registry of this Court on 09.10.2025. 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. Cc as per rules. Sd/- (Sanjay Kumar Jaiswal) Judge
-----	--