

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 08 of 2021

- Apeel Ram, S/o Shri Jaldhar Ram, Aged about 20 years, R/o Village- Lodhaamba, P.S. Kansabel, District- Jashpur (C.G.).

---- Appellant

Versus

- State of Chhattisgarh, Through- Police Station- Kansabel, District- Jashpur, (C.G.).

---- Respondent

23.08.2021	Mr. Sanjay Agrawal, counsel for the Appellant. Mr. H.S. Ahluwalia, Dy. A.G. for the State/Respondent. Heard on I.A. No. 01/2021, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 10.12.2020 passed in Special Criminal Case under the POCSO Act Case No. 28/2019 by the Special Judge, POCSO Act, 2012, Jashpur (C.G.) the appellant stands convicted as mentioned below: <table><tr><th>Conviction</th><th>Sentence</th><th>In Default</th></tr><tr><td>u/S 376(2)(ज) & (द) of IPC read with Section 06 of the POCSO Act, 2012</td><td>RI for 10 years and fine amount of Rs.1,000/-.</td><td>In default of payment of fine amount additional RI for 03 months.</td></tr></table> Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial Court in the	Conviction	Sentence	In Default	u/S 376(2)(ज) & (द) of IPC read with Section 06 of the POCSO Act, 2012	RI for 10 years and fine amount of Rs.1,000/-.	In default of payment of fine amount additional RI for 03 months.
Conviction	Sentence	In Default					
u/S 376(2)(ज) & (द) of IPC read with Section 06 of the POCSO Act, 2012	RI for 10 years and fine amount of Rs.1,000/-.	In default of payment of fine amount additional RI for 03 months.					

judgment without there being any sufficient evidence available on record. He submits that from the perusal of statement of the prosecutrix (PW-01), it is established that there was a love relationship between the appellant and the prosecutrix and due to that both have developed physical relationship with their own will. With regard to the age of the prosecutrix, referring the statement of the prosecutrix (PW-01) and her father namely Jagdish Ram (PW-02) it is further argued by learned counsel for the appellant that there is no conclusive evidence on the basis of which it can be established that at the time of alleged incident the prosecutrix was below 18 years of age, therefore, conviction of the appellant is not sustainable. He lastly submits that the appellant is in jail since 10.12.2020 and appeal is likely to take some more time to be finalized. Hence, it is prayed that his application may be allowed.

On the other hand, learned counsel for the State has opposed the bail application.

Heard both the parties.

Perused the statements of the witnesses and other materials available on record. After going through the statements of the prosecutrix (PW-01) and her father namely Jagdish Ram (PW-02) and further considering the fact that the appellant is in jail since 10.12.2020. Without further commenting on other merits of the case, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

On execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the trial Court for his appearance before

the Registry of this Court on **16.12.2021**. 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.

List this case for final hearing in its due course.

**Sd/-
(Arvind Singh Chandel)
Judge**