

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1212 of 2016

Suraj Kumar Suryavanshi S/o Bisun Suryavanshi aged about 24 years, R/o village Nevra, P.S. Kota, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through P.S. Kota, District Bilaspur, Chhattisgarh.

---- Respondent

30/09/2016	Shri Amit Kumar, Advocate for the appellant. Shri Sameer Behar, Panel Lawyer for the State/ respondent. Heard on I.A. No. 1 of 2016, an application for condonation of delay in filing the appeal. Learned counsel for the appellant submits that the appellant is a rustic villager and belongs to a weaker section of the society. He has no knowledge about the limitation for filing of the appeal. On due consideration, I.A. No. 1 of 2016 is allowed and the delay of 21 days in filing the appeal is hereby condoned. Heard on admission. Admit. Call for the records of the Court below. Also heard on I.A. No. 2 of 2016, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 30.6.2016 passed by the Additional Sessions Judge (FTC), Bilaspur, District	

Bilaspur, Chhattisgarh in Special Sessions Trial No.139 of 2015, the Appellant stands convicted under Section 452 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo RI for 1 year and to pay fine of Rs.1,000/-, in default of payment of fine, to further undergo RI for three months and to undergo RI for 3 years, and to pay fine of Rs.500/-, in default of payment of fine, to further undergo RI for three months respectively.

Learned counsel for the appellant submits that the appellant was on bail during trial and this fact has been confirmed on perusal of para 25 of the impugned judgment. He further submits that there is no likelihood of early disposal of the appeal and as such the appellant may be enlarged on bail.

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

On due consideration of the facts and circumstances of the case and the fact that the appellant was on bail during trial and there is no likelihood of the early disposal of the appeal, this Court is of the opinion that it is a fit case to enlarge the appellant on bail.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **13.12.2016** and thereafter before the concerned trial Court

on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List this appeal for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)

Judge