



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1689 of 2024

1 - Suraj Sahu S/o Late Dilip Sahu Aged About 27 Years R/o Purani Basti Kohka, Near Minimata Bhawan, Police Station Supela, District- Durg, Chhattisgarh.

... Appellant

versus

1 - State Of Chhattisgarh Through Police Station Supela, District Durg, Chhattisgarh.

... Respondent

17/02/2026	Mr. Mirza Kaisher Beg, counsel for the appellant. Mr. Akash Agrawal, P.L. for the State/respondent. Heard on I.A. No. 02/2024, application under Section 430(2) of BNSS for suspension of sentence and grant of bail. By the impugned judgment dated 29.10.2022 passed by learned Additional Sessions Judge, Fourth F.T.S.C., Durg, (C.G.) in Special Criminal Case (POCSO) No. 20/2020, the appellant has been convicted for the offence punishable under Sections 363, 366 and 376 of IPC and Section 6 of POCSO Act and sentenced as under:-

Conviction	Sentence
U/s 366 and 363 of IPC (However, sentenced only for 366 of IPC as the ingredients of the offence under Section 363 of IPC are contained in the offence under Section 366 of IPC)	R.I. for 3 years and fine of Rs. 100/-, in default of payment of fine amount additional R.I. for 1 month.
U/s 376 of IPC and 6 of POCSO Act (However, sentenced only for the offence under Section 6 of POCSO in view of the provisions of Section 42 of the POCSO Act)	R.I. for 10 years and fine of Rs. 10,000/-, in default of payment of fine amount additional R.I. for 1 year.

(Both the sentences were directed to run concurrently).

Learned counsel for the appellant submits that the appellant is innocent and is falsely implicated in the case. He further submits that the appellant has been wrongly convicted and severely punished, and also the allegations of the prosecution do not support the conviction for the offence under Section 366 of IPC and Section 6 of POCSO Act. The appellant was in jail from 17.08.2017 to 19.01.2019 during trial, and now he is in jail since 29.10.2022, i.e. about 4 years, 9 months and 16 days of jail sentence have already been served by the appellant. He is ready to abide by all terms and conditions imposed by this Court for releasing on bail, and the disposal of this appeal is likely to take considerable time; therefore, he may be enlarged on bail by suspending his jail sentence.

On the other hand, learned State counsel opposes

the bail application and submits that the appellant committed a heinous crime, and the prosecution has quite proved the conviction of the appellant for the aforesaid offences; therefore, he is not entitled to be enlarged on bail by suspending his jail sentence.

The victim appeared through V.C. from the concerned DLSA and raised objection to grant of bail to the appellant.

I have heard learned counsel appearing for the parties.

Considering the facts and circumstances of the case, evidence available on record and the gravity of the offence, at this stage, I am not inclined to suspend the jail sentence and release the appellant on bail.

Accordingly, I.A. No. 02/2024 is **rejected**.

List this case for final hearing after two weeks.

Sd/-
(Sanjay Kumar Jaiswal)
Judge