

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CR.A. No. 1566 of 2018

Manmohan Singh Rajput @ Bablu, S/o. Jivan Singh Rajput, Aged About 21 Years,
R/o. Village- Limgaon, Police Station- Urga, District- Korba, Chhattisgarh.

--- Appellant.

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Urga,
District- Korba, Chhattisgarh.

---Respondent

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12/10/2018	Mr. Ravindra Sharma, counsel for the appellant. Mr. Anil S. Pandey, G.A. for the State. Heard. Admit. Call for the records of the Court below. Also heard on I.A. No.1/2018, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction and order of sentence dated 03.10.2018, passed in Special POCSO Case No. 32/2017, by the learned Additional Sessions Judge (FTC) and Special Court POCSO Act, Korba, District – Korba (C.G.) in the following manner with a direction to run all the sentences concurrently:- <table><tr><td>U/s. 354 (a) (1) (1) of the Indian Penal Code.</td><td>:</td><td>As per Section 8 of POCSO Act</td></tr></table>	U/s. 354 (a) (1) (1) of the Indian Penal Code.	:	As per Section 8 of POCSO Act
U/s. 354 (a) (1) (1) of the Indian Penal Code.	:	As per Section 8 of POCSO Act		

U/s. 8 of Protection of the Children from Sexual Offences Act, 2012	:	R.I. for 3 years and fine of Rs.500/- and in default of payment of fine, 1 month R.I. more
U/s. 341 of the Indian Penal Code	:	S.I. for 1 month

Learned counsel appearing for the appellant would submit that the appellant has been erroneously convicted by the trial Court without there being any support of prosecution witnesses. The appellant had been on bail during the course of trial and subsequent to the order of conviction passed against him, he has been released on bail under Section 389 (3) of Cr.P.C. Appellant is hopeful to succeed in this appeal. There is no likelihood of this appeal to be taken up for hearing in near future. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.

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

I have heard the learned counsel for the parties and perused the record of the trial Court.

On perusal of the judgment passed by the trial Court and considering this fact that the appellant had been on bail during the course of trial and subsequent to the order of conviction and he has not misused the liberty. Hence, after due consideration and for the reason that there is no likelihood of this appeal being heard in near future, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail.

Accordingly, I.A. No.1/2018, application for suspension of sentence and grant of bail is allowed.

Execution of 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 **14th December, 2018**. 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/-

(Rajendra Chandra Singh Samant)
Judge