



HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1871 of 2024

1 - Sonu Sao @ Vikki S/o Ganesh Sao Aged About 20 Years R/o Near Dhanvantari School, New Krishna Nagar, Supela P.S Supela Distt. Durg (C.G)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Police Station Supela, Distt. Durg (C.G.)

... Respondent(s)

Order Sheet

16.12.2024	Mr. Vipin Tiwari, counsel for the appellant. Ms. Priya Sharma, Panel Lawyer for the State. Mr. Rohishek Verma, Advocate on behalf of Mr. Aman Pandey, counsel for the objector/victim. Heard on application for suspension of sentence and grant of bail. This criminal appeal has been filed being aggrieved by the judgment dated 19.09.2024 passed by the learned Additional Sessions Judge Fourth FTSC Durg (C.G.) in Special Criminal Case (POCSO) No. 60/2023 whereby the appellant has been convicted and sentenced in the following manner:-
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Conviction	Sentence
U/s 294 of IPC : (Two Times)	R.I. for 1-1 month (one-one month)
U/s 323 of IPC : (Two Times)	R.I. for 1-1 month (one-one month)
U/s 8 of : POCSO Act	R.I. for three years and fine of Rs. 100/- and in default in payment of fine, further R.I. for one month. (All the root sentence will run together)

Learned counsel for the applicant would submit that the appellant has been erroneously convicted in the crime in question. He would further submit that the appellant has remained in jail from 03.04.2023 to 25.05.2023 during trial and after conviction from 02.12.2024 till date thus, he has already suffered more than two months of jail sentence. He would also submit that there is no likelihood of the appeal coming up for final hearing in the near future, hence, it is prayed that the application be allowed and the appellant may be released on bail.

On the other hand, learned State counsel opposing the submission made by learned counsel for the appellant would submit that the victim has supported case of the prosecution and the prosecution has proved the case beyond reasonable doubt, therefore, the appellant is not entitled for grant of bail.

In pursuance of direction issued by this Court, victim along with her mother was present before this Court through video conferencing from concerned DLSA and she has raised objection in granting bail to the appellant.

Considering the fact that the appellant has already

Arun	suffered more than two months of jail sentence out of maximum jail sentence i.e. 3 years awarded to him and also considering the fact that the appeal being of the year 2024, final hearing of the same will likely to take time, I am inclined to suspend the sentence of the appellant and release him on bail. Accordingly, the application for suspension of sentence and grant of bail is allowed and it is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during pendency of this appeal and he shall be released on bail on furnishing a personal bond in sum of Rs. 25,000/- along with one local surety of the like sum to the satisfaction of the concerned trial Court for his appearance before Registry of this Court on 28th January, 2025. He shall thereafter continue to appear before the Registry of this Court on all such subsequent dates as are given to him by the Registry of this Court till the disposal of this appeal. List this appeal for final hearing in its chronological order. Sd/- (Narendra Kumar Vyas) Judge
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