

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet
CRA No. 1764 of 2022

- Ailesh Dewangan S/o Shivnandan Dewangan Aged About 28 Years R/o Ward No. 13, Tikripara, Gandai, Police Station Gandai, District : Khairagarh-Chhuikhadan-Gandai, Chhattisgarh

---- Appellant.

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station - Gandai, District : Khairagarh-Chhuikhadan-Gandai, Chhattisgarh

---- Respondent

24-01-2023	Mr. Abhishek Sharma, counsel for the appellant. Ms. Ishwari Dhritlahre, PL for the State. Heard on I.A.No.1 of 2022 which is an application for suspension of sentence and grant of bail. The appellant stands convicted by the Judgment of conviction and order of sentence dated 21-10-2022 passed by the learned Additional Sessions Judge (POCSO) Khairagarh, District Kairagarh, Chuikhadan Gandai (CG) in Special Session Trial No 17 of 2021 for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo RI for three years and fine of Rs.3000/-, with default stipulations. In pursuance of the earlier direction passed by this court, Victim/prosecutrix has appeared through Video Conferencing from concerned District Legal Services Authority and has raised objection for grant of bail to the appellant. Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in connection with the said crime. He would further submit that the learned trial court without appreciating evidence has held that the appellant has committed the aforesaid offence. He further submits that the maximum sentence awarded to the appellant is RI for three years, the appeal is of 2022, the appellant was on bail during trial and even

after pronouncement of the judgment and he did not misuse the liberty granted to him and hearing of appeal on merits will take some time, therefore, the appellant may be released on bail.

On the other hand, learned State counsel opposing the bail application would submit that the trial court after appreciating the evidence has rightly convicted the appellant.

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

Looking to the short sentence of three years awarded to the appellant and considering the fact that he was on bail during trial and even after pronouncement of the judgment and he did not misuse the liberty granted to him earlier and also the fact that hearing of appeal will take some time, I am inclined to allow the application for suspension of sentence and grant of bail.

Accordingly, I.A.No. 1 of 2022 is allowed and it is directed that the execution of further substantive jail sentence shall remain suspended and the appellant shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 28-02-2023. 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. It is made clear that the date given by the trial court for appearance of the appellant should not have interval of more than 90m days from the previous date.

List this case for final hearing in its chronological order.

Cc as per rules.

Sd/-

(Narendra Kumar Vyas)
Judge

