

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 2294 of 2023**

- Mohan Lal Sahu S/o Tirath Ram Sahu Aged About 43 Years R/o Village- Kalle, Chowki- Birejhar, Police Station- Kurud,, District : Dhamtari, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Kurud,, District : Dhamtari, Chhattisgarh

---- Respondent

22.03.2024	Mr. Gaurav Singhal, Counsel for the Appellant. Ms. Priya Sharma, Panel Lawyer for the State/ Respondent. Heard on admission as well as on I.A. No. 01/2023, an application filed under Section 389 of Code of Criminal Procedure, 1973, seeking suspension of sentence and grant of bail. Admit. The victim of this case is appeared through video conferencing from the DLSA Dhamtari. On being asked, she has opposed the application for suspension of sentence and grant of bail submitted by the appellant. By virtue of the impugned judgment of conviction and order of sentence dated 05.12.2023, passed in Special Criminal Case No. 15/2023 by the learned Additional Sessions Judge F.T.S.C. (POCS),

Dhamtari (C.G.), whereby the appellant has been convicted and sentenced as under:

<u>Conviction</u>	<u>Sentences</u>
Under Section 12 of Protection of Children from Sexual Offences Act, 2012	R.I. for 02 years and a fine of Rs. 10,000/- and in default of fine amount further 6 month rigorous imprisonment.
Under Section 509-B of Indian Penal Code	R.I. for 1 year and fine of Rs. 5,000/- in default of payment of fine 3 months R.I.

Learned Counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in connection with the alleged crime. It is further contended that the appellant is in jail since 27.01.2023 and since the appeal will take some considerable time for its conclusion, therefore, the jail sentence as awarded by the Court below be kept in abeyance, till the disposal of this appeal.

On the other hand, learned counsel appearing for the Respondent/State has opposed the said application.

Having considered the aforesaid contention of the parties, considering the nature of incident and act committed by the appellant and particularly looking to the detention period of the appellant. He has served more than one year in jail. I am, therefore, inclined to allow this application for suspension of sentence and grant of bail only with regard to appellant, without further commenting anything on the merits of this case.

Accordingly, I.A. No. 01/2023 is allowed and it is directed that the substantive jail sentence imposed upon the appellant shall

remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond for a sum of Rs. 10,000/- along with two surety of Rs. 10,000/- each in like sum to the satisfaction of the concerned trial Court for his appearance before the Registry on **18.04.2024**. He shall thereafter appear before the Trial Court on a date be given by the Registry of this Court and shall continue to appear on all such subsequent dates as are given to him by the said Court till the disposal of this appeal.

In view of above, I.A. No. 01/2023, stands disposed of.

sd/-

(Arvind Kumar Verma)

Judge

Alfiza