



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 57 of 2021

1. Ankit Ranaware S/o Arvind Ranaware, Aged About 28 Years, R/o. Sector-1, Street No. 7, Quarter No. 22 B, Bhilai - Bhatti, Police Station Bhilai Bhatti, District Durg (C.G.) Permanent Address Village Rohena Pulgaon, R.V. Road, Tehsil A.V. Maharastra, Police Station Rohena, District Wardha (Maharastra).

----Appellant
(In Jail)

Versus

2. State Of Chhattisgarh, Through Station In-charge, Police Station Bhilai Nagar, District Durg (C.G.).

---- Respondent

10/05/2022	Mr. Manoj Paranjpe, Counsel for the appellant. Ms. Binu Sharma, P.L. for the State/respondent. Heard on I.A. No. 01/2021, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 04/01/2021 passed by Additional Sessions Judge, First Fast Track Court (POCSO Act), District Durg (CG.) in Special Sessions Trial No. 183/2019, the appellant stands convicted and sentenced as under: <table><tr><th data-bbox="351 1854 785 1921">Conviction</th><th data-bbox="785 1854 1439 1921">Sentence</th></tr><tr><td data-bbox="351 1921 785 2060">Under Section 363 of Indian Penal Code.</td><td data-bbox="785 1921 1439 2060">R.I. for 03 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 2 months.</td></tr></table>	Conviction	Sentence	Under Section 363 of Indian Penal Code.	R.I. for 03 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 2 months.
Conviction	Sentence				
Under Section 363 of Indian Penal Code.	R.I. for 03 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 2 months.				



Under Section 366 of Indian Penal Code.	R.I. for 03 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 2 months.
Under Section 4 of POCSO Act	R.I. for 10 years and fine of Rs. 500/-, in default of payment of fine additional S.I. for 2 months.
(All the sentences were directed to run concurrently)	

Considering the facts and circumstances of the case, the depositions of prosecutrix in para 2 & 21, the conduct of the prosecutrix during the course of incident and subsequent thereto which shows that there was love affair between the appellant and the prosecutrix, she visited with the appellant several places and despite opportunity being available she did not protest or inform anyone about the incident, looking to the para 30 of deposition of PW-08 Smt. Sharda Banjare (I.O.) wherein she states that on advise of the radiologist, upon ossification test the age of the prosecutrix was found about 18 years (Ex. D-2), as per oral and documentary evidence adduced her date of birth is 12/06/1996 and as such on the date of incident the Trial Court found her to be 17 years 11 month and 15 days old, on 28/07/2021 the prosecutrix alongwith her grandfather appeared before this Court through video conferencing and raised no objection to release of the appellant on bail, the age of the appellant 28 years, he was on bail during trial and did not misuse the liberty granted to him, he has already deposited the entire fine amount, the disposal of the appeal is likely to take some time, without expressing anything on merits of the case, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (**I.A. No. 01/2021**) is **allowed**.

It is directed that the execution of 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** in the sum of **Rs. 1,00,000/-** with two sureties of Rs. 50,000/- each to the satisfaction of the trial Court for his appearance before the Registry of this Court **29th July, 2022**. 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 disposal of this appeal.

List this case for final hearing in its due course.

-Sd/-
(Gautam Chourdiya)
Judge