



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

**CRA No. 98 of 2021**

- Nikhil Sidar S/o Shital Sidar Aged About 18 Years R/o Village Devarmal, Police Station Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

**---- Appellant**

**Versus**

- State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh.

**---- Respondent**

| 2-2-2021   | <p>Mr.Deepak Kumar Singh, counsel for the appellant.</p> <p>Mr. Vimlesh Bajpai, Dy. Govt. Advocate for the State.</p> <p>Heard on I.A. No.01/2021 which is an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 6-1-2021 passed by the Special Judge/FTC (POCSO Act), Sakti, District Janjgir-Champa (CG), in Special Criminal Case No. 20 of 2018, appellant stands convicted and sentenced as under:</p> |            |          |            |                                                                                                                      |            |                                                                                          |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|------------|----------------------------------------------------------------------------------------------------------------------|------------|------------------------------------------------------------------------------------------|
|            | <table><tr><th>CONVICTION</th><th>SENTENCE</th></tr><tr><td>341 of IPC</td><td>SI for one month and to pay a fine of Rs.100/-, in default of payment of fine to further undergo SI for three days..</td></tr><tr><td>323 of IPC</td><td>SI for one year and to pay a fine of Rs.1000/-, in default of payment of fine to further</td></tr></table>                                                                                                                        | CONVICTION | SENTENCE | 341 of IPC | SI for one month and to pay a fine of Rs.100/-, in default of payment of fine to further undergo SI for three days.. | 323 of IPC | SI for one year and to pay a fine of Rs.1000/-, in default of payment of fine to further |
| CONVICTION | SENTENCE                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |            |          |            |                                                                                                                      |            |                                                                                          |
| 341 of IPC | SI for one month and to pay a fine of Rs.100/-, in default of payment of fine to further undergo SI for three days..                                                                                                                                                                                                                                                                                                                                                      |            |          |            |                                                                                                                      |            |                                                                                          |
| 323 of IPC | SI for one year and to pay a fine of Rs.1000/-, in default of payment of fine to further                                                                                                                                                                                                                                                                                                                                                                                  |            |          |            |                                                                                                                      |            |                                                                                          |



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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  | undergo SI for three months.                                                                                                                                                        |
| Section 8 of the Protection of Children from Sexual Offences Act, 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  | RI for three years and to pay a fine of Rs.5000/-, in default of payment of fine to further undergo SI for three months.<br><br>All the sentences are directed to run concurrently. |
| <p>Learned counsel for the appellant submits that there are material contradictions and omissions in the prosecution witnesses. He would further submit that the sentence awarded to the appellant is only three years, the appellant was on bail during trial and he did not misuse the liberty granted to him and the disposal of this appeal is likely to take some time, therefore, the appellant may be released on bail.</p> <p>On the other hand, State counsel opposes the bail application.</p> <p>I have heard learned counsel for the parties and perused the record of the trial court.</p> <p>Considering the facts and circumstances of the case, looking to the short sentence imposed on the appellant by the trial Court, the evidence available on record and also the fact that the appellant was on bail during trial and he did not</p> |  |                                                                                                                                                                                     |



misuse the liberty granted to him and the disposal of this appeal is likely take some time, without commenting 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.1/2021) is allowed and 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.50,000/- with two sureties of Rs.25,000/- to the satisfaction of the trial Court. He shall appear before the trial Court on 12-4-.2021 and thereafter continue to appear there on all such 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

Raju