



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Sheet

Criminal Appeal No. 265 of 2023

- Shishupal Narang @ Lalla, S/o Hemraj Narang, aged about 22 years, R/o Village Beltukari, Police Station Kharora, District Raipur (C.G.)

... Appellant

versus

- State of Chhattisgarh, through: S.H.O., Police Station Kharora, District Raipur (C.G.)

... Respondent

28/02/2023	<p>Mr. Atanu Ghosh, Advocate, for Appellant.</p> <p>Ms. Abhyunnati Singh, Panel Lawyer, for Respondent-State.</p> <p>Heard on I.A. No.1/2023, which is an application seeking for suspension of sentence and grant of bail to the Appellant.</p> <p>Vide Judgement dated 13.1.2023 passed in Special Criminal Case No.109/2021 by the Additional Sessions Judge/First F.T.S.C., Raipur, the Appellant stands convicted under Section 354 of IPC and also under Section 8 of the POCSO Act and has been sentenced to undergo R.I. for 3 years & fine of Rs.1000/- with default stipulation under Section 354 of IPC and R.I. for 3 years & fine of Rs.1000/- with default stipulation under Section 8 of the POCSO Act.</p> <p>Upon Notice, the mother of the Victim is present before this Court. She opposes the bail application.</p> <p>Contention of learned Counsel for Appellant is that it is a case where the Appellant was on bail during trial and that he has already been granted temporary bail by the Trial Court under Section 389 of CrPC. Further contention is that from the statement of the Witnesses itself it would reveal that the Appellant has been falsely implicated in the instant case. He further contented that it is a case where the present Appeal is of the year 2023 where there would be no likelihood of its early final hearing.</p>



Learned State Counsel on the other hand opposing the bail application submits that it is a case where the conviction of the Appellant is under the POCSO Act and taking note of the gravity of the offence, the Appellant does not deserve to be released on bail.

Having heard the contentions put forth on either side and on perusal of record, particularly considering the fact that the maximum sentence imposed on the Appellant is of 3 years and further the present Appeal being of the year 2023 with no likelihood of its early final hearing at this juncture and also taking into consideration the fact that the Appellant was on bail during trial and at present also he is on temporary bail, this Court is of the opinion that a strong case for suspension of sentence and grant of bail to the Appellant during pendency of the Appeal has been made out.

Accordingly, the I.A. No.1/2023 is allowed.

It is ordered that in case the Appellant furnishes a personal bond for a sum of **Rs.25,000/- with two sureties** of like amount to the satisfaction of the concerned Trial Court then the execution of the substantive jail sentences awarded to him shall remain suspended during pendency of the Appeal and he shall be released on bail for his appearance before the concerned Trial Court on **4.5.2023** and thereafter he shall continue to appear there on all such subsequent dates as are given to him by the Trial Court in this regard, till disposal of the present Appeal.

List this Appeal for final hearing in due course.

Sd/-
(P. Sam Koshy)
JUDGE