



HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet
Cr. A. No. 326 of 2023

Rakesh Pradhan S/o Babulal Pradhan Aged About 35 Years R/o
Dhurkot, Police Station Janjgir, District : Janjgir-Champa, Chhattisgarh
---- **Petitioner**

Versus

State of Chhattisgarh Through Police Station Janjgir, District : Janjgir-
Champa, Chhattisgarh.

---- **Respondent**

28/03/2023	<p>Mr. Sumit Singh, Advocate for the appellant.</p> <p>Ms. M. Asha PL for the State.</p> <p>Heard on I.A. No.1/2023, application under Section 389 of Code of Criminal Procedure for suspension of sentence and grant of bail to the appellant, during pendency of this appeal.</p> <p>By the impugned judgment, appellant stands convicted and sentenced under Sections 354-A(1)(i), 354-B of IPC and Section 8 of the POCSO Act.</p> <p>Learned counsel for appellant submits that maximum jail sentence awarded to appellant is of three years. Trial Court considering period of jail sentence allowed application of appellant filed under Section 389(3) of Cr.P.C and released him for limited period, subsequently period was extended. During trial appellant was on bail and has not misused the liberty granted to him. This appeal is of the year 2023 and it may take some time for final hearing, hence, sentence awarded to appellant may be suspended and he may be enlarged on bail.</p> <p>Learned State Counsel opposing submission of counsel for appellant, would submit that as per evidence available on record, appellant is not entitled for grant of bail.</p>





Prosecutrix alongwith her mother is present before this Court pursuant to notice issued to her. They raises strong objection in suspending of sentence and grant of bail to the appellant.

Heard counsel for the parties.

Considering facts of the case, submissions of counsel for the parties, maximum period of jail sentence awarded to appellant, trial Court allowed application of appellant filed under Section 389 (3) of Code of Criminal Procedure, during trial appellant was on bail and has not mis-used the liberty granted to him earlier, appeal may take some time for final hearing, I am of the view that present is a fit case to suspend sentence and release the appellant on bail.

Accordingly, I.A. No.1/2023, application for suspension of sentence and grant of bail is allowed. It is directed that execution of substantive jail sentences imposed on appellant shall remain suspended and he be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **27th June, 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 other subsequent dates as are given to him by the said Court, till disposal of this appeal.

Certified copy, as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

J/-

