



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 392 of 2023

Ishwar Sen @ Pappu S/o Pandey Sen Aged About 22 Years R/o Ramayan Chowk Anwaradabri Police Station Khallari District Mahasamund, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through District Mahasamund, Chhattisgarh.

---- Respondent

24/03/2023	<p>Mr. Shubham Tripathi, counsel for the appellant. Ms. Seema Dixit, Panel Lawyer for the State. Heard on IA No.1/23, which is an application for suspension of sentence and grant of bail.</p> <p>Appellant has been convicted under Section 354 of IPC and Section 7/8 of the Protection of Children from Sexual Offence Act 2012 and sentenced to undergo RI for 3 years and fine of Rs.1000/- under Section 354 IPC and RI for 3 years and fine of Rs.1000/- under Section 7/8 of the POCSO Act with stipulation of default clauses vide judgment of conviction and order of sentence dated 30th January 2023 passed in Special Criminal Case No.H-37/2021 by learned Special Judge (POCSO Act) Mahasamund.</p> <p>Learned counsel for the appellant would submit that the maximum jail sentence awarded to the appellant is of 3 years. Appellant filed application under Section 389 (3) of Cr.P.C. before the trial Court which came to be allowed and the learned trial Court released the appellant on bail for limited period for obtaining the order of suspension from the appellate Court. The period was</p>



extended and the next date for submission of order of suspension before the trial Court is 29.03.2023. Appellant was on bail during trial and after judgment of conviction, he has not misused the liberty granted to him in any manner.

Learned counsel for the State opposed the submission of learned counsel for the appellant.

Prosecutrix is present before this Court through virtual mode from DLSA, Mahasamund and raised objection in suspending the sentence and grant of bail to appellant.

Considering the period of jail sentence awarded to the appellant as also the pleadings made in the application, submission of learned counsel for the appellant that the appellant was extended benefit of bail for limited period in view of provision under Section 389 (3) of Cr.P.C., I am inclined to allow the application.

Accordingly, the application (IA No.1/23) is allowed and it is directed that the execution of substantive jail sentence imposed upon the appellant shall remain suspended during pendency of the appeal and he shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance before the Registry of this Court on **16th June 2023**. Thereafter, he shall appear before the concerned trial Court on a date given by the Registry of this Court and continue to appear there till final disposal of this appeal.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge