



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 414 of 2021

- Sandeep Gupta, S/o Gajanand Gupta, Aged about 21 years, R/o Beside Gayatri School, Lalkhadan, P.S.- Torwa, Bilaspur, District Bilaspur (C.G.).

--- Appellant

Versus

- State of Chhattisgarh, Through- District Magistrate, District Bilaspur (C.G.).

---- Respondent

06.08.2021

Mr. Ravindra Kumar Agrawal, counsel for the Appellant.
Mr. H.S. Ahluwalia, Dy. A.G. 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 18.03.2021 passed in Special Criminal Case (POCSO Act) No. 50/2018 by the Additional Sessions Judge, Second Fast Track Special Court, Bilaspur (C.G.) the appellant stands convicted as mentioned below:

Conviction	Sentence	In Default
u/S 363 of IPC	RI for 07 years and fine amount of Rs.2,000/-.	In default of payment of fine amount additional imprisonment for 04 months.



u/S 366 of IPC	RI for 10 years and fine amount of Rs.3,000/-.	In default of payment of fine amount additional imprisonment for 06 months.
u/S 376 of IPC	RI for 10 years and fine amount of Rs.5,000/-.	In default of payment of fine amount additional imprisonment for 06 months.

Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial Court in the judgment without there being any sufficient and clinching evidence available on record. He submits that from the statements of the prosecutrix (PW-03), it appears that due to love relation with the appellant, she herself left her house and went in the house of the appellant and stayed with him for some days. With regard to the alleged act of rape, it has been argued by learned counsel for the appellant that in her statements recorded under Section 161 of the Cr.P.C., the prosecutrix had not disclosed anything regarding commission of rape and in Para-10 of her cross-examination she also admitted this fact that due to pressure from her family members she has later on stated regarding commission of rape against the appellant, therefore, commission of rape as alleged by the prosecution is suspicious, the appellant is in jail since 18.03.2021 and during trial he was on bail and not misused the liberty granted to him and appeal is likely to take some more time to be finalized. Hence, it is prayed that his application may be allowed.



On the other hand, learned counsel for the State has opposed the bail application.

Heard both the parties.

Perused the record of the trial Court and gone through statements of the witnesses. On perusal of the statements of the prosecutrix (PW-03) particularly the admission made by her in Para-08 and Para-10 and further considering the fact that the appellant is in jail since 27.02.2021 and during trial he was on bail and not misused the liberty granted to him. Without further commenting on other merits of the case, in my considered view, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.

On execution of substantive jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **16.12.2021**. 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 the disposal of this appeal.

List this case for final hearing in due course.

Sd/-

(Arvind Singh Chandel)
Judge