

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 730 of 2022**

1 - Vijendra @ Vijendra Jangda S/o Jasbir Singh Aged About 27 Years
R/o Malkosh Dadari (Charkhi) Police Station Bodkalan, District Gurgaon
(Haryana)

---- Appellant**Versus**

1 - State of Chhattisgarh through P.S. Sakara/ajak, District Mahasamund
Chhattisgarh.

---- Respondent

(Cause-title taken from Case Information System)

09/02/2024	<p>Mr. Mohit Kumar, Advocate for the Appellant.</p> <p>Mr. Ajay Kumar Pandey, Dy. A.G. for the State/respondent.</p> <p>Heard on I.A. No. 01/2022, which is application under Section 389 of the Cr.P.C. for suspension of sentence and grant of bail to the appellant.</p> <p>The appellant has been convicted and sentenced by the judgment of conviction and order of sentence dated 23-03-2021 passed in Special (Atrocities/Pocso) Session Trial No. 07/2019 by the Special Judge, District – Mahasamund (C.G.) in the following manner :-</p> <table border="1" data-bbox="326 1440 1333 1656"> <thead> <tr> <th data-bbox="326 1440 784 1488">Conviction</th> <th data-bbox="784 1440 1333 1488">Sentence</th> </tr> </thead> <tbody> <tr> <td data-bbox="326 1488 784 1656">Under Section 5(j)(ii) r/w Section 6 of POCSO Act, 2012</td> <td data-bbox="784 1488 1333 1656">Rigorous imprisonment for 10 years and fine of Rs. 500/- and one year further R.I in default.</td> </tr> </tbody> </table> <p>Learned counsel for the appellant would submits that the appellant is innocent and has been falsely implicated in the offence. He would further submit that there is no legally admissible evidence with regard to the age of the prosecutrix yet the trial Court held her minor, the trial Court has found the prosecutrix was married with the appellant but in view of the finding that she</p>		Conviction	Sentence	Under Section 5(j)(ii) r/w Section 6 of POCSO Act, 2012	Rigorous imprisonment for 10 years and fine of Rs. 500/- and one year further R.I in default.
Conviction	Sentence					
Under Section 5(j)(ii) r/w Section 6 of POCSO Act, 2012	Rigorous imprisonment for 10 years and fine of Rs. 500/- and one year further R.I in default.					



was minor the trial Court has convicted the appellant. He would further submit that during the stay with the appellant for about one year and she visited place to place but not made any complaint to anyone which shows that she was a consenting party in making physical relation with him. The appellant is in jail since 19.03.2019 and the appeal will take its own time for final adjudication therefore, he prays that the appellant be released on bail after suspending the sentence.

On the other hand, learned counsel for the State opposes.

Heard learned counsel for the parties and perused the record of the trial Court.

After considering the submissions made by learned counsel for the parties and also considering the finding recorded by the learned trial Court and also considering that the appeal will take its own time, this Court is inclined to grant bail to the appellant.

Accordingly, I.A. No.1/2022, application for suspension of sentence and grant of bail is allowed.

It is directed that the 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.25,000/- with one surety in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **05th of April, 2024**. 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 disposal of this appeal.

List this case for final hearing.

Sd/-

(Ravindra Kumar Agrawal)
Judge