



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 934 of 2021

- Tikesh Vastrakar, S/o Late Ramkumar Vastrakar, Aged about 24 years, R/o Awas-Para, Piperechhedi, Police Station- Piperchhedi, District- Gariyaband (C.G.).

---- Appellant

Versus

- State of Chhattisgarh, Through Police Station- Piperchhedi, District- Gariyaband, (C.G.).

---- Respondent

02/09/2021	Md. Afroz Athar, counsel for the Appellant. Mr. Ghanshyam Patel, G.A. for the State/Respondent. Heard on admission. Admit. Call for the record of the Court below. Also heard I.A. No. 01/2021, application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 17.08.2021 passed in (earlier) Sessions Case No. 79/2019, (New) POCSO Case No. 85/2020 by the learned Additional Sessions Judge, Fast Track Special Court (POCOS and Rape cases), Gariyaband (C.G.) the appellant stands convicted as mentioned below:



Conviction	Sentence	In Default
U/s 354-क of IPC	RI for 01 year	-----
U/s 509 of IPC	SI for 01 year with a fine amount of Rs.500/-	In default of payment of fine amount additional SI for 02 months.
U/s 12 of the POCSO Act	RI for 01 year with a fine amount of Rs. 500/-	In default of payment of fine amount additional SI for 02 month.

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 evidence available on record. He further submits that the appellant was on bail during trial and after the judgment of the trial Court he was granted temporary bail. Hence, it is prayed that his application be allowed.

On the other hand, learned counsel for the State has opposed the bail application and submissions made in this respect.

Heard both the parties and perused the record of the trial Court.

After perusing the impugned judgment and considering this fact that the appellant was on bail during the pendency of trial and has not misused the liberty, for these reasons, I am of this opinion that it will be proper to release the appellant on bail during the pendency of this appeal.



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. 25,000/- 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 **15.12.2021**. 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 its due course.

Sd/-
(Arvind Singh Chandel)
Judge