



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 968 of 2021

- Keshav Sahu Alias Bunt S/o Ashok Sahu Aged About 19 Years R/o Village Kachandur Naalpara, Chowki Jeora Sirsa, Police Station Pulgaon, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Jamul , District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

24/03/2022	Shri P.R.Patankar, counsel for the appellant. Shri Anmol Sharma, PL for the State. Heard on I.A. No.01, application for suspension of sentence and grant of bail to the appellant. In this appeal preferred under Section 374(2) of the Cr.P.C. the appellant has preferred the application for suspension of his substantive jail sentence for the offence punishable under Sections 363 and 366 IPC and Section 6 of the Protection of Children from Sexual Offences Act. Learned counsel for the appellant submits that looking to the facts and circumstances of the case, there is every possibility that the appellant has <i>prima facie</i> very good case and there is every likelihood of the appellant to succeed the appeal on merits. He submits that the appeal is likely to take sometime for its final disposal and therefore	



the conviction and sentence imposed on him may be suspended till the disposal of this appeal. He further submits that the trial court did not appreciate the oral and documentary evidence in a proper manner. He submits that the age of the prosecutrix has not been proved to be below 18 years and the trial court has also found that her age is more than 17 years and therefore the application may be allowed.

On the other hand, counsel for the State opposes the bail application.

Heard both the counsel for the parties and perused the material on record.

Learned trial court has found that the age of the prosecutrix is less than 18 years and the appellant has been convicted under Section 6 of the POCSO Act. Looking to the circumstances of the case and the statements of the witnesses, we are not inclined to allow the application for suspension of sentence and grant of bail. Accordingly, I.A. No.01, is rejected.

List this appeal for final hearing in due course.

Sd/-

Sd/-

(Sanjay K.Agrawal)
Judge

(Rajani Dubey)
Judge