



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. A. No. 1077 of 2021

Bharatdwaj @ Bhardwaj @ Rahul @ Chhotu Nishad S/o Late Kheduram
Nishad Aged About 33 Years R/o Village Salka, Police Station- Hirri, Civil
And Revenue District- Bilaspur, Chhattisgarh.

---- Appellant**Versus**

State of Chhattisgarh Acting Through Officer-In-Charge, Police Station-
Sirgitti, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

13/03/2023	Mr. RR Soni, Advocate for the Appellant. Mr. Vimlesh Bajpai, GA for the State. Mr. Sandeep Yadav, Advocate on behalf of Prosecutrix. Heard on I.A. No.1/2021, application under Section 389 of Code of Criminal Procedure for suspension of sentence and grant of bail to the appellant, during pendency of this appeal. By the impugned judgment, appellant stands convicted and sentenced under Sections 363, 366 of I.P.C & Section 5 (1)/6 of POCSO Act. Learned counsel for the appellant submits that at this stage appellant is pressing this application mainly on the ground that appellant has undergone more than 6½ years, which is more than half of the maximum sentence awarded to appellant by trial Court. This apart, appeal is of the year 2021 and it may take some time for final hearing, therefore, considering period of detention, sentence awarded to appellant may be suspended and he may be enlarged on bail. In support of his contention, he places reliance upon Judgment passed by Hon'ble Supreme Court in case of Salim Javed vs State of Rajesthan reported in



J/-	(2006) 9 SCC 602. Learned State Counsel opposing submission of counsel for appellant, would submit that as per evidence available on record, appellant is not entitled for grant of bail. Learned counsel for Prosecutrix raises objection on the application for suspension of sentence. Heard counsel for the parties. Considering facts of the case, submissions of counsel for the parties, particularly fact that appellant has already undergone more than half of jail sentence, which is not opposed by State Counsel, appeal is of the year 2021 and it may take some time for final hearing, I am of the view that present is a fit case to suspend sentence and release the appellant on bail. Accordingly, I.A. No.1/2021, application for suspension of sentence and grant of bail is allowed. It is directed that execution of substantive jail sentences imposed on appellant shall remain suspended and he be released on bail on his executing a personal bond for a sum Rs.50,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on 19th of April, 2023. 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 other subsequent dates as are given to him by the said Court, till disposal of this appeal. Certified copy, as per rules. Sd/- (Parth Prateem Sahu) Judge
-----	---