



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No.1040 of 2021

- Toran Verma S/o Pakkura Verma Aged About 22 Years R/o Village Kulikasa, Police Station And Tehsil Chhuikhadan, District Rajandgaon, Chhattisgarh

---- Appellant (In Jail)

Versus

- State Of Chhattisgarh Through The District Magistrate, Rajnandgaon, District Rajandgaon, Chhattisgarh

---- Respondent /State

29/09/2022	Shri Shaleen Singh Baghel, counsel for the appellant. Shri Ishwari Ghritlahre, Panel Lawyer for the State. Heard on an application (I.A.No.1/2021) for suspension of sentence and grant of bail. By virtue of impugned judgment of conviction and order of sentence dated 08-09-2021 passed by the learned Additional Sessions Judge, Khairagarh, District Rajnandgaon in Special Sessions Trial No.03/2019 (Crime Number 38/2019), the appellant stands convicted and sentenced as under:- <table border="1" data-bbox="320 1547 1490 1809"> <thead> <tr> <th data-bbox="320 1547 812 1644">Conviction</th><th data-bbox="812 1547 1490 1644">Sentence</th></tr> </thead> <tbody> <tr> <td data-bbox="320 1644 812 1809">In violation of Section 3, U/s 4 of the POCSO Act, 2012</td><td data-bbox="812 1644 1490 1809">R.I. for 10 years and fine of Rs.1,000/- and in default of payment of fine, further R.I. for 3 months</td></tr> </tbody> </table> Learned counsel appearing for the appellant submits that the appellant is innocent and has been falsely implicated in connection with the said crime. While referring to the statement of the prosecutrix (PW-2), it is submitted that in her statement, she had specifically stated before the Court below that the	Conviction	Sentence	In violation of Section 3, U/s 4 of the POCSO Act, 2012	R.I. for 10 years and fine of Rs.1,000/- and in default of payment of fine, further R.I. for 3 months
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First Information Report was lodged only when the love letters written by her was came in knowledge of her father. While referring to the statement of Dr. Leela Ramteke (PW-20), it is submitted further that no injury was, in fact, found on her body, however, without considering the evidence led by the prosecution in its proper manner, the learned Court below has erred in convicting the appellant with regard to the alleged offence. Further contention of him is that the appellant has been released on bail during trial vide order dated 14-09-2020 passed by the Coordinate Bench of this Court in M.Cr.C.No.5126 of 2020 and as the appellant has served more than 2 year and 7 months of jail sentence out of total 10 years of maximum jail sentence awarded to him and, if the remaining jail sentence is allowed to run, the very purpose of filing of this appeal would be frustrated. Therefore, the appellant may be enlarged on bail, pending decision of this appeal.

On the other hand, learned counsel appearing for the respondent/State has opposed the aforesaid application.

I have heard learned counsel for the parties and perused the entire record carefully.

Having considered the facts and circumstances of the case, considering further that the appellant was released on bail during trial vide order dated 14-09-2020 passed by the Coordinate Bench of this Court in M.Cr.C.No.5126 of 2020 and considering further that since the appellant has served more than 2 year and 7 months of jail sentence out of total 10 years of maximum jail sentence awarded to him, I am, therefore, inclined to allow this application.

Accordingly, the application (I.A.No.1 of 2021) is allowed. It is directed that the substantive 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 of Rs.25,000/- along with one surety of like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **23.11.2022** and, thereafter, he shall appear before the concerned trial Court on a date to be given by the Registry of this Court and continue to appear on all such further dates as are given to him by the said Court in that behalf, till the disposal of this appeal.



In view of above, I.A.No.1/2022, an application for urgent hearing for consideration of application for suspension of sentence and grant of bail as also application (I.A.No.1/2021) stand disposed of.

Post this matter for final hearing in its turn.

Certified copy, as per rules.

SD/-
(Sanjay S. Agrawal)
Judge



