HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet CRA No. 1266 of 2017

Arun Korva S/o Shravan Korva, Aged About 23 Years R/o Harrideepa, Police Station Sanna, District Jashpur, Chhattisgarh. --- Appellant

Versus

State of Chhattisgarh through the Police Chowki Pandarapath, Police Station Bagicha, District Jashpur, Chhattisgarh. --- Respondent

20.03.2018	Mr. Vijay Kumar Sahu counsel for the appellant.
	Mr.S.R.J. Jaiswal, Panel Lawyer, for the State.
	Heard.
	Admit.
	Also Heard on I.A.No. 1/2017 for suspension of
	sentence and grant of bail.
	The appellant stands convicted by the Judgment
	dated 28.06.2017 passed by the learned Special Judge
	(POCSO Act)-cum-Additional Sessions Judge (FTC) Jashpur
	in Special Case No. 33/2016 for the offences punishable
	u/ss 363, 366(A) of IPC & section 6 of the Protection of
	Children from Sexual Offences Act and sentenced to
	undergo R.I.for 4 years, R.I.for 4 years & R.I.for 10 years
	respectively and to pay a fine of Rs.500/-, Rs.500/- and
	Rs.1000/- with further default stipulations.
	Learned counsel for the appellant submits that the
	victim was major and her age has not been proved by the
	author of the School Register that who has written it. It is
	further submitted that the victim was consenting party and
	she went from place to place along-with the appellant of
	her own, therefore, the substantive jail sentence of the
	appellant may be suspended and he may be enlarged on
	bail.
	Per contra, learned State Counsel opposes the bail
	application.
	Perused the statements of P.W.1 the victim as also

the statement of P.W.8 who has not proved the age of

victim. Considering the statements of these witnesses and looking to the period of custody of the appellant as he is stated to be in jail since 23.10.2016, I am inclined to suspend the jail sentence of the appellant and release him on bail.

Accordingly, I.A.No. 1 is allowed and it is directed that the execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on 29.06.2018. 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.

Cc as per rules.

Sd/-GOUTAM BHADURI JUDGE

Rao