

(2018) 02 CHH CK 0054

Chhattisgarh High Court

Case No: Criminal Appeal (CRA) No. 511 Of 2016

Jitendra Kumar Satnami

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 1, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 354, 354(B)
- Protection Of Children From Sexual Offences Act, 2012 - Section 7, 8

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: C.K. Kesharwani, S.P. Kale

Final Decision: Disposed Of

Judgement

Heard on I.A.No.2 which is an application for suspension of sentence and grant of bail.

Present is a repeat bail application.

The earlier bail application stands dismissed as withdrawn with liberty to revive after sometime on 27/06/2016.

The appellant in the instant case stands convicted for the offence under Sections 354 & 354(B) of I.P.C. and under Section 7-8 of Protection of

Children from Sexual Offence Act, 2012 and have been sentenced to undergo R.I. for 2 years, 4 years and 4 years with default stipulations for 2 months, 4 months and 4 months respectively.

The counsel for the appellant submits that, the appellant in the instant case is in custody since the date of judgment i.e. from 29/03/2016 onwards and

during trial also, he was in custody for a period of about 52 days. Thus, the appellant has already remained in custody for a period of almost two years

i.e. half of the maximum sentence which has been awarded by the trial Court. He further submits, that the appeal is of the year 2016 and there is no

likelihood of the appeal to be heard finally on an early date and thus prayed for the suspension of sentence and grant of bail to the appellant.

The State counsel however opposed the bail application on the ground, that the appellant has been convicted for serious offences and thus prayed for

rejecting the bail application.

Considering the facts and circumstances of the case, more particularly, considering the fact that the appellant himself is a 19 years old young boy and

that he has already remained in custody for about half of the sentence awarded and that the appeal being of the year 2016 and there is no possibility of

early final disposal of the criminal appeal this court is of the opinion, that it is a fit case where the bail application of the appellant can be allowed.

Accordingly, I.A. No. 02/2017 for suspension of sentence and grant of bail 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 furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court.

The appellant is directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the appeal.