

HIGH COURT OF CHHATTISGARH, BILASPURCRR No. 70 of 2019

- Fulram @ Fuluram son of Pitkuram Baiga, aged about 16 years (now aged about 20 years), minor represented through legal guardian and father Pitkuram Baiga son of Bigru Baiga, resident of Village- Damgarh, Police Station Kukdur, Tahsil- Pandaria, District Kabirdham (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, through District Magistrate District Kabirdham (C.G.)

---- Respondent

25/07/2019	Mr. Suryakant Mishra, counsel for the Applicant. Mr. Wasim Miyan, PL for the State. Heard on admission. Admit. Also heard on I.A. No. 1/2019, application for suspension of sentence and grant of bail. The present revision arises out of the impugned judgment dated 31.11.2018 passed by the learned Additional Sessions Judge (FTC) District Kabirdham in Criminal appeal No. 61/2018 whereby the learned Appellate Court has dismissed the appeal of applicant arises out of judgment dated 02.05.2018 passed by the learned Principal Magistrate, Juvenile Justice Board, Kabirdham, in criminal case No. 26/2017 for the offence under Section 341 of IPC and Sections 3 & 4 of the POCSO Act and	

sentenced him to pay fine of Rs 500/- and Imprisonment for 3 years under Special Cell and to pay fine of Rs. 500/- with default stipulation respectively.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is in custody since 02.05.2018. Therefore, looking to the jail sentence awarded to him, he may be released on bail.

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

I have heard learned counsel both the parties.

Considering the evidence available on record, further considering the detention period of the accused/applicants, without further commenting on merits of the case, I am inclined to release the applicant on bail.

Accordingly, I.A. No. 1/2019, application for suspension of sentence and grant of bail is allowed.

It is directed that the substantive jail sentence imposed upon the applicant shall remain suspended during the pendency of this revision and he shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to remain present before the trial Court as and when directed by the said Court.

List this case for final hearing in due course.