
(2020) 10 MP CK 0266

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3086 Of 2016

Pawanchandra Saket @ Badkaunu

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 15-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 376(2)(i)
Protection Of Children From Sexual Offences Act, 2012 — Section 4

Citation : (2020) 10 MP CK 0266

Hon'ble Judges : Atul Sreedharan, J

Bench : Single Bench

Advocate : Pawan Kumar Singh Senger, Rahul Deshmukh

Final Decision : Allowed

Judgement

Atul Sreedharan, J

The appellant has been tried and convicted for offence under sections 376(2)(i) of IPC and section 4 of POCSO Act and sentenced to suffer R.I. of 10 years and fine of Rs.1000/- in default of payment of fine, 6 months additional R.I. under section 376(2)(i) of IPC and sentenced to suffer R.I. of 7 years and fine of Rs.1000/- in default of payment of fine additional R.I. of 6 months under section 4 of POCSO Act, by judgement and conviction dated 08.09.2016 passed by the learned Additional Sessions Judge, Rewa in S.T.No.120/2015.

Heard on I.A.No.9546/2020 which is an application for suspension of sentence and grant of bail to the appellant.

The appellant has been sentenced as hereinabove and the objection has been filed in this case. As per the para-56 of the judgement and conviction of the learned Court below, it is apparent that the appellant has been in judicial custody since 24.06.2015 till date and continued to remain therein serving his sentence. More than 50% of the sentence has already undergone by the appellant herein, under the circumstances, I.A.No.I.A.No.9546/2020 is allowed and it is directed

that the appellant shall be enlarged on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned trial Court.

The jail authorities shall have the appellant checked by the jail doctor to ensure that he is not suffering from the coronavirus and if he is, he shall be sent to the nearest hospital designated by the state for treatment. If not, he shall be transported to his place of residence by the jail authorities.

C.C. as per rules.