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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 714/2023**
ASHOK Appellant

Through: Mr. Kanhaiya Singhal, Mr. Prasanna,
Ms. Vani Singhal, Mr. Ujwal Ghai,
Mr. Teeksh Singhal, Mr. Ajay Kumar
and Mr. Anmol Sharma, Advocates.

versus

THE STATE (GOVT.) OF NCT OF DELHI Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with Insp. Umesh Yadav and SI Joni
Singh, PS: Uttam Nagar.
Ms. Tanya Agarwal, Advocate for
Victim.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **27.02.2024**

ANOOP KUMAR MENDIRATTA, J.

CRL.M.(BAIL) 1236/2023

1. An application under Section 389 of the Code of Criminal Procedure, 1973 ('Cr.P.C') been preferred on behalf of the appellant for suspension of sentence and release on bail in FIR No. 0406/2016 for offences under Sections 377 IPC and Section 6 of POCSO Act registered at P.S.: Uttam Nagar, Delhi during the pendency of the appeal.

2. Learned counsel for the appellant submits that the appellant was convicted vide judgment dated 29.03.2023 and sentenced vide order dated 11.05.2023 to undergo Rigorous Imprisonment (RI) for Ten years and fine



of Rs. 10,000/- for offence punishable under Section 6 of the POCSO Act (in default of payment of fine to undergo SI for 30 days) and has undergone more than half of the sentence.

3. The application is opposed by learned APP for the State assisted by learned counsel for the victim.

4. As per nominal roll, the appellant has already undergone imprisonment for a period of 07 years 07 months and 11 days and has earned remission for 01 month and 20 days. The un-expired portion of the sentence as on 01.12.2023, is reflected as 02 years 02 months 29 days. The Appellant has further been in custody for more than three months after 01.12.2023.

5. Hon'ble Supreme Court in *S.L.P. (CRL.) No.529/2021* titled as "*Sonadhar vs. The State of Chhattisgarh*", observed as under :

"b) The Delhi High Court Legal Services Committee would take up cases for those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the flexibility of filing a bail application before the High Court"

6. The appellant has undergone more than half of the sentence and disposal of the appeal is likely to take some time. Considering the totality of the facts and circumstances, the sentence of the appellant is suspended and is admitted to bail on furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to following conditions:



- (i) Appellant shall share his permanent address alongwith mobile number, if any at the time of release; and
- (ii) Appellant shall appear before this Court as and when directed.

Application is accordingly disposed of.

A copy of this order be forwarded to the learned Trial Court and Superintendent Jail for information and compliance.

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Appeal be listed on 30.07.2024.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 27, 2024/akc