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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.REV.P. 277/2024

DEEPAK ALIAS DEEPU Petitioner
Through: Mr. Jagat Singh Baasta,
Adv.

versus

STATE GOVT OF NCT OF DELHI Respondent
Through: Mr. Pradeep Gahalot, APP
for the State with SI
Nirankar, PS Defence
Colony.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
04.03.2024

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CRL.M.(BAIL) 355/2024 (suspension of sentence) in
CRL.REV.P. 277/2024

1. On the last date of hearing, it was noted that the applicant was not apprehended on the spot. He was arrested on a disclosure statement made by the co-accused who was caught red handed.
2. It is also pointed out that PW-5, Debajit Dass, who was accompanying the complainant at the time of incident, had failed to identify the applicant.
3. The learned counsel for the applicant submits that even though the learned Trial Court noted that the complainant had identified the applicant but such identification is doubtful.
4. He submits that the applicant was not caught red handed and was shown to the complainant after he was arrested on a disclosure statement of the co-accused persons.
5. The applicant had surrendered on 18.10.2023 and is in



custody since then.

6. It is not disputed that during the period of trial, the accused was released on bail and had not misused the liberty.

7. It is also not the case of the prosecution that the applicant is involved in other offences of similar nature.

8. As noted on the last date of hearing, there are three minor children of the applicant who are dependent on him. The affidavit of income and assets filed by the applicant before the learned Trial Court, indicates that the monthly income of the applicant was approximately ₹5,000/- to ₹7,000/- per month. The applicant has also paid the fine imposed by the learned Trial Court while sentencing the applicant.

9. The matter requires consideration. The present petition is not likely to be taken up for final hearing in the near future. In such circumstances, when the petition is finally heard, petitioner would have already undergone his entire sentence in custody and the present petition would be infructuous.

10. In view of the above, the Order on Sentence dated 11.07.2017 in FIR No. 353/2014, is suspended till the pendency of the present petition and petitioner is directed to be released on bail, on furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the concerned Jail Superintendent, on the following conditions:

- a. He shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- b. He shall under no circumstance leave the country without the permission of the Court;
- c. He shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile



phone switched on at all times.

11. The present application is allowed in the aforesaid terms.

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12. List on 22.08.2024.

13. Let the digitized copy of Trial Court Record be requisitioned before the next date of hearing.

AMIT MAHAJAN, J

MARCH 4, 2024

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