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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 332/2020 CRL.M.B. 704/2022 (Regular Bail),**
CRL.M.B. 873/2022 (Regular Bail)

SHAHBUDDIN GAZI @ RAJU Appellant
Through: Ms. Anu Narula, Advocate
(DHCLSC).

versus

STATE Respondent
Through: Mr. Laksh Khanna, APP for State.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE TALWANT SINGH

ORDER
19.01.2023

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CRL.M.B. 55/2023 (interim bail)

The present application under Section 389 read with Section 482 of the Code of Criminal Procedure (Cr.P.C.), 1973 has been instituted on behalf of the appellant Shahbuddin Gazi @ Raju seeking interim suspension of sentence and release on interim bail on the ground of the unfortunate demise of his father.

Upon verification, a status report dated 17.01.2023, made by Station House Officer, Police Station: Mandawali, Delhi has been filed.

A perusal of the said status report dated 17.01.2023, reflects that, Sh. Allaudin Gazi, the late father of the appellant Shahbuddin Gazi @ Raju passed away at his residence at village Check Post 16 Pada, District Uttar 24 Pragna, Police Station Tita Garh, West Bengal on 30.12.2022.

It is a matter of record that the appellant has already undergone



incarceration for a period over 7 years without remission out of his total sentence of 12 years rigorous imprisonment (RI) awarded to him by the Trial Court.

It is also an admitted position that the *chaliswa* of the appellant's late father is scheduled to take place in the early second week of February.

In view of the foregoing, in order to enable the appellant, to attend the *Chaliswa* of the appellant's late father, the application is allowed. The sentence awarded to the applicant/appellant shall remain suspended for a period of three weeks, from the date of his release and he shall be enlarged on interim bail, subject to the following conditions:--

- (1) The applicant/appellant shall furnish a personal bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with 01 surety of the like amount to be furnished, to the satisfaction of the learned trial court.
- (2) The applicant/appellant shall provide his mobile telephone number in working condition to the SHO of the concerned Police Station, at the time of his release on bail and shall not change the same, without prior intimation to this court and also undertakes to keep the same operational, during the period of interim suspension of sentence and release on interim bail.
- (3) The applicant/appellant shall report to the SHO of the local Police Station: Rahara Thana, North 24 Pargana, West Bengal on every Monday during the period of interim suspension of sentence between 11:00 A.M. and 12:00 noon.
- (4) The applicant/appellant shall not leave the territorial jurisdiction of Police Station: Rahara Thana, North 24 Pargana, West Bengal



without prior permission of this Court, during the period of interim bail.

(5) The applicant/appellant shall not indulge in any offence during the period of interim suspension of sentence.

(6) The applicant/appellant shall surrender upon expiry of the period of interim suspension before the Jail Superintendent without demur.

With the above directions, the application is allowed and disposed of.

A copy of this order be sent to the learned Trial Court as well as Jail Superintendent through electronic mail, for necessary information and compliance.

**CRL.A. 332/2020, CRL.M.B. 704/2022 (Regular Bail),
CRL.M.B. 873/2022 (Regular Bail)**

List on 01.03.2023.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

JANUARY 19, 2023/nk

[Click here to check corrigendum, if any](#)