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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 767/2024**

SUBODH KUMAR

.....Petitioner

Through: Mr. Anirudh Kumar Pandey, Mr.
Amresh Kumar, Mr. Ramesh
Chandra, Advocates.

versus

STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Digam Singh Dagar, APP for
State along with SI Sonu Kumar, PS:
Okhla Indl. Area.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

03.12.2024

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CRL.M.(BAIL) 967/2024

1. This application has been filed for suspension of sentence awarded to the petitioner by order on sentence dated 9th October, 2023 passed by the ASJ, South-East District, Saket Courts, based on FIR No.80/2010 registered at P.S. Okhla Industrial Area, under Section 304A/279 IPC.
2. Petitioner was convicted in the said FIR and, thereafter, was sentenced for simple imprisonment for two years and six months, and then Appellate Court reduced the said sentence to simple imprisonment for two years only. Petitioner has since been in custody.
3. As per Nominal Roll, he has undergone more than one year of custody, has no previous involvement and his jail conduct is satisfactory.



4. Since half the sentence has already been undergone and it would take some time for the petition to be adjudicated, the sentence of the petitioner is suspended till the disposal of the said petitions.

5. Petitioner has undergone substantial period of sentence, and the appeal is likely to take some time for hearing. In view of the directions of the Supreme Court in ***Sonadhar v. The State of Chhattisgarh***, SLP (Crl.) 529/2021, *vide* order dated 6th October, 2021, as well as ***Saudan Singh v. State of Uttar Pradesh***, 2021 SCC OnLine SC 3259, (where the Supreme Court has stated that in cases other than life sentence cases the broad parameter of 50 per cent of the actual sentence undergone can be the basis for grant of bail) this Court deems it fit to suspend the sentence of the appellant. It is therefore directed that the sentence of the appellant be suspended pending the hearing of the petition on furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the Trial Court/ CMM/ Duty Magistrate, further subject to the following conditions:

- i. Appellant will not leave the country without prior permission of the Court.
- ii. Appellant shall provide permanent address to the Trial Court. The appellant shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Appellant shall appear before the Court as and when the matter is taken up for hearing.
- iv. Appellant shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number



without prior intimation to the IO concerned.

- v. Appellant shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
6. Needless to state, but any observation touching the merits of the case is purely for the purposes of deciding the question of suspension of sentence and shall not be construed as an expression on merits of the matter.
7. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.
8. Accordingly, the application is disposed of. Pending applications (if any) are disposed of as infructuous.
9. List the petition on 8th April, 2025.
10. Order *dasti*.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 3, 2024/ak/tk

Click here to check corrigendum, if any