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

+ CRL.A. 1036/2019

SHANKAR

..... Appellant

Through: Mr. Sumit Chaudhary, Advocate

versus

STATE

..... Respondent

Through: Ms. Manjeet Arya, APP for State with

SI Vinod Kumar, P.S. Tilak Nagar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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29.11.2019

CRL.M.(BAIL) 1596/2019 (suspension of sentence)

1. The appellant in the present case was convicted vide judgment 17.01.2019 arising out of FIR No.1168/2014 registered under Sections 376/506 IPC & under Section 6 of POCSO Act at P.S. Tilak Nagar. The appellant was convicted under Section 6 of POCSO Act and under Section 506 IPC and was sentenced to undergo RI for 10 years along with fine of Rs.5,000/-, in default of payment of fine, to further undergo SI for six months under Section 6 POCSO Act. The appellant was also sentenced to undergo RI for 3 years along with fine of Rs.2,000/-, in default of payment of fine, to further undergo SI for three months under Section 506 IPC. Both the sentences were directed to run concurrently.

2. Learned counsel for the appellant submits that there is an improvement in the statement of the prosecutrix in the FIR and the MLC. The prosecutrix has improved her statement at the time of recording of statement under Section 164 Cr.P.C. and in her deposition before the court.

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3. Learned APP for the State has handed over the Status Report. The same is taken on record. As per the Status Report, the address of the appellant has been verified. It is stated that the correct name of the appellant's father is Dara Ram @ Norang and not Vijay Kumar.

4. In view of the fact that the appeal is likely to take some time and the fact that the appellant has undergone approximately five years and two months, the sentence of the appellant is suspended during the pendency of the present appeal, on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Court, subject to the following conditions:-

- (i) The appellant shall report before the concerned S.H.O., P.S. Kharpi, District Araval (Bihar) on first Monday of every month.
- (ii) The appellant shall provide his telephone/mobile number to the concerned S.H.O., P.S. Tilak Nagar, Delhi which he undertakes to keep operational at all times and in the event of change of his residential address, shall inform the same to the Court as well as to the concerned I.O./S.H.O.
- (iii) The appellant shall remain present in the Court as and when appeal is taken up for hearing.

5. With the above directions, the application is disposed of.

DASTI.

MANOJ KUMAR OHRI, J

NOVEMBER 29, 2019/na

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