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

+ CRL.A. 1219/2019

JUGAL KISHOR

..... Appellant

Through: Mr. Rajesh Kumar Singh, Adv.

versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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04.05.2022

CRL. M. (BAIL) 357/2021

1. The present application under section 389 Cr.P.C. has been filed on behalf of appellant for suspension of sentence and grant of bail to the appellant till the disposal of present appeal.
2. The appellant has filed the present appeal under Section 374 of Cr.P.C. against the judgment dated 17.07.2019 passed by the court of Shri Amit Kumar ASJ-01, Special Court, POCSO North West District, Rohini Delhi, wherein, the appellant was convicted in FIR No.1218/2015, under Sections 363/376/506 IPC & Section 6 of POCSO Act registered at P.S. Aman Vihar, Delhi, in S.C. No.07/2016 and was sentenced to undergo RI for the 07 years and fine of Rs. 5,000/- under Section 366 of IPC (in default to undergo SI for 03 months) and RI for 07 years and fine of Rs. 5,000/- under Section 376(2) of IPC (in default SI for 03 months vide order dated 19.07.2019. Both the sentences were directed to run concurrently.



3. Learned counsel for the appellant prays for suspension of sentence on the ground that the appellant has already undergone more than half of the sentence awarded to him.

4. As per the Nominal roll dated 31.07.2021, the appellant has undergone for 03 years 02 months and 11 days of incarceration and has earned remission of 05 months and 15 days. The unexpired portion of sentence has been reflected as 03 years 04 months and 04 days.

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 disposal of the appeal is likely to take some time. Considering the facts and circumstances and since the appellant has already undergone more than half of the sentence, the same is suspended till disposal of the appeal and the appellant be released on his furnishing personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one surety in the like amount to the satisfaction of the learned trial court, and subject to following conditions :

- (i) The appellant shall provide his mobile number to the Investigating Officer (IO) concerned/SHO concerned at the time of release, which shall be kept in working conditions at all times. The appellant shall not switch-off, or change the same without prior intimation to the IO concerned, during the period of bail;



- (ii) The appellant shall not leave the NCT of Delhi without the prior permission of the concerned trial court;
- (iii) The appellant shall not indulge in any criminal activity or any illegal activities during the bail period;

The fine be deposited in terms of order on sentence.

The present bail application is accordingly disposed of in above terms.

A copy of this order be forwarded to the learned trial court for information and compliance.

CRL.A. 1219/2019

List the appeal in due course.

ANOOP KUMAR MENDIRATTA, J.

MAY 4, 2022

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