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

+ **CRL.A. 1442/2019**

VINOD KUMAR

..... Appellant

Through: Mr.Arjun Singh Khurana, Advocate.

versus

STATE & ORS.

..... Respondents

Through: Mr.Laksh Khanna, APP for State

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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25.07.2022

CRL.A. 1442/2019

Appeal does not appear to have been formally admitted on record.

Notice already stands issued.

Appeal is admitted.

List in due course.

CRL.M.(BAIL) 2221/2019

1. This is an application preferred on behalf of appellant under Section 389 Cr.P.C. for suspension of sentence and grant of bail till the final disposal of appeal.
2. The appellant is stated to have been convicted and sentenced vide order dated 16.11.2019 to undergo RI for a period of 3 years with fine of Rs.5,000/- for offence punishable under Section 7 of Prevention of Corruption Act, 1988 (in default of payment of fine, to undergo SI for 3 months); and RI for a period of 4 years with fine of Rs.5,000/- for offence punishable under Section 13(1)(d) of Prevention of Corruption Act, 1988 (in default of payment of fine, to undergo SI for 3 months).
3. As per Nominal Roll dated 15.07.2022, the appellant has undergone



sentence for a period of 01 year 11 months 02 days and earned remission for a period of 05 months and 24 days. The unexpired portion of the sentence is reflected as 01 year 07 months 04 days as on 15.07.2022.

4. Learned APP for the State vehemently opposes the bail application.

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 and the appellant has already undergone more than half of the sentence. Considering the facts and circumstances and evidence on record, the sentence of the appellant is suspended during pendency of appeal and the appellant is admitted to bail on furnishing of personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the learned trial court and subject to the following conditions:

- (i) The appellant shall provide his mobile number to the Investigating Officer (IO) concerned/SHO concerned/concerned trial court 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 during the period of his 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; and
(iv) The appellant shall be released on bail subject to deposit
of the fine amount.

Application is accordingly disposed of.

A copy of this order be forwarded to the learned Trial Court and
Superintendent Jail for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 25, 2022/R