



\$~8

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

+ **CRL.A. 842/2024 & CRL.M.(BAIL) 1508/2024**

PANA DEVI

.....Appellant

Through: Ms.Cauveri Birbal and Ms.Preksha
Gaur, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms.Kiran Bairwa, APP for the State
alongwith SI Sheetal, P.S.-K.M.Pur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

04.11.2024

CRL.M.(BAIL) 1677/2024 (suspension of sentence)

1. The present application has been moved on behalf of the appellant for interim suspension of sentence for a period of 90 days on the ground of helping the daughter of the appellant for admission in the college.
2. Learned counsel appearing on behalf of the appellant submitted that the appellant alongwith her husband Ram Swaroop has been in custody vide the common impugned order dated 23.04.2024 in Sessions Case No. 2729/2016. It is submitted that since both parents are in custody and there is no one to take care of their two minor children, aged 14 years and 16 years respectively, except for their eldest daughter, who is 20 years old. It is further submitted that the eldest daughter is managing the household and looking after her younger brothers alone, which has prevented her from enrolling in college. Learned counsel also noted that the appellant has been



in custody for approximately four years and did not misuse the liberty granted to her when she was released on interim bail.

3. *Per contra*, the learned APP for the State has vehemently opposed the application, stating that according to the inquiry report, the eldest daughter, namely Siddhi, is pursuing her first-year studies through distance education, and their relative Munna Lal, who resides nearby, assists in looking after the children.

4. According to the nominal roll, as on 05.08.2024, the appellant has been in custody for 3 years, 5 months and 21 days, excluding the remission earned with a satisfactory record of conduct in jail. It is a matter of record that the previous liberty granted was not misused. The prosecution does not dispute that the appellant has three children and that both parents are in custody.

5. Taking into account the facts and circumstances, the sentence of the appellant is suspended for a period of 60 days from the date of release, upon her furnishing a personal bond of Rs.10,000/- with one surety of the like amount to the satisfaction of the concerned learned Trial Court and subject to the verification of her address and also subject to the following further conditions:

- a) the petitioner shall attend the appeal regularly and shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
- b) the appellant shall provide her mobile number(s) to the IO and learned trial court at the time of furnishing the bond and shall keep it operational at all times and shall further remain in touch



telephonically with the concerned police officer-in-charge on his mobile number on the first Friday of every month

- c) the appellant shall remain available on the address, to be given to the and shall not leave the country without the permission of the learned Trial Court;
 - d) In case of change of residential address and/or mobile number, the appellant shall intimate the same to the Investigating Officer/ Trial Court concerned by way of an affidavit.
5. With the above directions, the application is disposed of.
6. A copy of this order be sent to concerned Jail Superintendent for compliance.

CRL.A. 842/2024 & CRL.M.(BAIL) 1508/2024

The date already fixed i.e. 19.12.2024 stands cancelled.

List on 24.02.2025.

DINESH KUMAR SHARMA, J

NOVEMBER 4, 2024

Dy/smg