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

+ CRL.A. 29/2023

RANJEET PASWAN Appellant

Through: Mr. Badrinath, Advocate (DHCLSC)

versus

STATE NCT OF DELHI Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **29.11.2023**

CRL.M.(BAIL) 1372/2023 (for interim suspension of sentence)

1. The present application has been filed by the applicant/ appellant under Section 389 read with Section 482 Cr.P.C seeking interim suspension of sentence for a period of 90 days to carry out renovation work i.e. repair of thatched, wall, window and floor of his ancestral house situated at Village Misi, P.O. Orahi, PS Kusesar Stathan, Block Sati Ghat, District-Darbhanga, Bihar.

2. Vide order dated 27.09.2023, notice was issued and Status Report verifying the condition of the house of the appellant was called for. The Status Report alongwith the original photographs of the house have been placed on record.

3. Learned APP for the State, relying upon the Status Report, submits that the condition of the house of the appellant has been verified wherein the same is made of bricks and the roof is made of thatch. It is further stated that presently, the mother of the appellant alongwith his brother and

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his family reside in the said house. Further, none of the family members are suffering from any medical ailments. She submits that since there are other family members of the appellant that can get the house repaired, the appellant be granted bail for a limited time period.

4. As per the Nominal Roll of the appellant, he has undergone the sentence of *3 years and 3 months* as on date. He is working as a 'Factory Sahayak' and his overall jail conduct has been satisfactory. He has not availed the benefit of bail/ parole/ furlough till date and there is no record of any misconduct against the appellant.

5. Considering the condition of the house of the appellant as is evident from the photographs attached with the Status Report, coupled with the fact that the appellant has never availed the benefit of interim bail/ parole/ furlough till date and his overall jail conduct is satisfactory and further that the applicant is seeking interim suspension of sentence for giving a shelter to his old parents, this Court is of the opinion that it is a fit case to grant interim suspension of sentence to the appellant to enable him to repair and renovate his house.

6. Accordingly, the appellant, convicted in FIR No.242/2017 under Sections 366/363/376 IPC read with Sections 5(1)/6 of the POCSO Act, PS. Vijay Vihar, Delhi is granted interim suspension of sentence for a period of 3 weeks from the date of his release, on him furnishing a personal bond in the sum of Rs.20,000/- (*Rupees Twenty Thousand Only*) with one surety in the like amount from a family member/friend, to the satisfaction of the concerned Jail Superintendent, and subject to the following conditions:

(i) The appellant shall not leave District Darbhanga, Bihar



without prior permission of this Court and shall *ordinarily* reside at the address as per prison records.

(ii) The appellant shall present himself before the local Police Station every Friday between 11:00 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose.

(iii) The appellant shall furnish to the Investigating Officer a cell-phone number of any one family member on which the appellant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.

(iv) If the appellant has a passport, he shall surrender the same to the concerned Jail Superintendent and shall in no case travel out of the country without prior permission of this court.

(v) The appellant shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending appeal.

(vi) The appellant shall surrender before the concerned Jail Superintendent by or before 04:00 PM on the date of expiry of three weeks from the date of his release.

(vii) At the time of surrender, the appellant shall submit to the Jail Superintendent sufficient proof by way of photographs showing the renovation work i.e. repair of thatched, wall, window and floor of his ancestral house situated at Village Misi, P.O. Orahi, PS Kusesar Stathan, Block Sati Ghat, District-Darbhanga, Bihar. The Jail Superintendent shall hand over the same to the concerned IO, who in turn shall preserve it with the record of the said appeal.



7. A copy of the order be sent to the concerned Jail Superintendent for information and compliance *forthwith*.

8. The application is accordingly disposed of.

CRL.M.(BAIL) 41/2023 (suspension of sentence)

9. Re-notify on 13.02.2024.

SAURABH BANERJEE, J

NOVEMBER 29, 2023/akr