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

+ **CRL.A. 641/2023**

**SHIV SHAMBHU @ SHAMBHU**

..... Appellant

Through: Mohd. Shakeel Ahmad and Mr.  
Parvez Haider, Advs.

versus

**STATE, NCT OF DELHI**

..... Respondent

Through: Mr. Utkarsh, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

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**15.05.2024**

**CRL.M.(BAIL) 1132/2023**

1. An application under Section 389 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been preferred on behalf of the appellant for suspension of sentence and release on bail during the pendency of the appeal in FIR No. 788/2014 under Sections 354/354A/354D/341/323/506/509 IPC and Section 8 & 12 of POCSO Act registered at P.S.: Jahangirpuri.
2. Appellant has been convicted vide judgment dated 08.07.2023 and sentenced vide order dated 01.08.2023 to undergo Rigorous Imprisonment (RI) for 03 years and 06 months and fine of Rs.1,000/- for offence punishable under Section 8 of POCSO Act (in default of payment of fine to undergo SI for 01 month); RI for 02 years and fine of Rs.1,000/- for offence punishable under Section 12 of POCSO Act (in default of payment of fine to undergo SI for 01 month); Simple Imprisonment (SI) for 01 month and fine of Rs. 100/- for offence punishable under Section 341 IPC



(in default of payment of fine to undergo SI for 05 days); RI for 01 year and fine of Rs.1,000/- for offence punishable under Section 323 IPC (in default of payment of fine to undergo SI for 01 month) and RI for 01 year and fine of Rs.1,000/- for offence punishable under Section 506 IPC (in default of payment of fine to undergo SI for 01 month) with benefit of Section 428 Cr.P.C.

3. Learned counsel for the appellant submits that appellant has undergone custody for a period of approximately ten months and was on bail during the course of trial. He further submits that appellant has clean past antecedents and is a married man with two minor kids and there is none to look after his family.

4. On the other hand, application is opposed by learned APP for the State.

5. Appellant has been in custody for approximately 10 months and has clean past antecedents. Considering the totality of facts and circumstances, without making any observations on the merits of the case, sentence of appellant is suspended during pendency of appeal and is admitted to bail on furnishing a personal bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand only) with one surety in the like amount to the satisfaction of the learned Trial Court and subject to following conditions:

- (i) Appellant shall provide his mobile number to the Investigating Officer (IO)/SHO concerned at the time of release and shall appear as and when directed by this Court.



(ii) In case of change of address, appellant shall intimate/communicate his address to the IO/SHO concerned.

Application is accordingly disposed of.

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

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Appeal be listed in due course.

**ANOOP KUMAR MENDIRATTA, J.**

**MAY 15, 2024/akc**