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

+ **CRL.A. 432/2020**

DEV KUMAR

..... Appellant

Through: Ms. Supriya Juneja and Ms. A.
Sahitya, Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for the
State along with Inspector Rajiv
and S.I. Hawa Singh, P.S.: Mangol
Puri.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

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30.05.2023

CRL.M.(BAIL) 756/2023 (for interim bail)

A status report dated 29.05.2023, made by Inspector Rajiv SHO, Police Station: Mangol Puri, New Delhi, has been handed over in the Court today. Let the same be taken on the record.

The present application under Section 389 of the Code of Criminal Procedure (Cr.P.C.), 1973 read with Section 482 of the Code of Criminal Procedure (Cr.P.C.), 1973, has been instituted on behalf of Dev Kumar, the applicant/appellant, seeking interim suspension of sentence and release on interim bail, on the ground that, he has to arrange a student loan for the further education of his son, namely, Mr. Vishal Dev, who has cleared the Joint Entrance Examination -JEE (Mains) Exam.

A perusal of the said status report dated 29.05.2023, reveals that the applicant/appellant's son has scored a percentile of 84.8434112, as

mentioned on the official website of the Department of Higher Education and resultantly, he has successfully qualified for the National Test Agency (NTA) Exam for Joint Entrance Examination -JEE (Mains) Exam.

Consequently, it is expected that, having secured the cut-off for B.E./B.Tech. Courses, in a large number of colleges, Mr. Vishal Dev, would require the support and assistance of the applicant/appellant, in securing admission for the B.E./B.Tech. Courses.

Our attention has been invited to the circumstance that the applicant/appellant has already undergone 10 years' incarceration and has been released on interim bail, by this Court on four previous occasions.

It is not the State's case that the applicant/appellant has misused the liberty granted to him by this Court, on any of the previous occasions.

In view of the foregoing, the present application is allowed. The sentence awarded to the applicant/appellant is suspended for a period of six weeks from the date of his release and he shall be enlarged on interim bail, subject to the following conditions:-

- (i) The appellant shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties of the like amount to the satisfaction of the Jail Superintendent;
- (ii) The appellant shall present himself before the S.H.O., P.S.; Mangolpuri, twice a week, on Thursdays and Mondays, between 11:00 am and 4:00 p.m., to mark his attendance during the period of interim suspension of

sentence. However, he shall not be kept waiting longer than an hour for this purpose;

- (iii) The appellant shall furnish to the S.H.O., P.S.: Mangolpuri a cellphone number 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) The appellant shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter;
- (v) Upon expiry of the period of interim suspension of sentence, the appellant shall surrender before the Jail Superintendent without demur.

With the above directions, the application is allowed and disposed of.

A copy of this order be communicated to the Jail Superintendent, Central Jail, Tihar, New Delhi through electronic mail, for necessary information and compliance.

A copy of this order be given *dasti* to learned counsel appearing on behalf of the parties and be also uploaded on the website of this court forthwith.

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

MAY 30, 2023/rs

[Click here to check corrigendum, if any](#)