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

\+ CRL.A. 607/2020

MOHD ZAHID IMAM ..... Appellant
Through: Ms. Inderjeet Sidhu, Adv. (DHCLSC)

versus

STATE ..... Respondent
Through: Mr. Tarang Srivastava, APP for State

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE SHALINDER KAUR

O R D E R

% 20.12.2023

CRL. M. (Bail) 1813/2023

1. The present application under Section 389 read with Section 482 Cr.P.C has been preferred by the applicant/appellant seeking the following prayers:-

> "a) Suspend the sentence of the Applicant/appellant and release him on bail till final disposal of the Crl. Appeal No. 607/2020; in view of the order passed by the Hon'ble Supreme Court of India in case titled as "SONADHAR VERSUS THE STATE OF CHHATTISGARH in SLP(Crl.) No. 529/2021"

2. Learned APP for the State has opposed the present application on the ground that the allegations against the applicant/appellant are serious in nature and that there is no merit in the application. Learned APP further pressed that the said application be dismissed and instead of suspending the sentence of the applicant/appellant, the appeal itself be listed for final hearing.

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3. As per nominal roll dated 08.12.2023, the applicant / appellant has already undergone incarceration of 08 years, 05 months and 24 days and earned remission of 10 months and 22 days as on 29.09.2023. Thus, as on date, he has completed 09 years of incarceration. Conduct of the applicant / appellant in the jail is satisfactory and no other case is pending against him. The applicant/appellant was granted interim bail by this Court from 27.07.2022 to 18.08.2023 and from 21.02.2023 to 13.03.2023 and has not violated the terms of the bail.

4. Keeping in view the incarceration period already undergone and the satisfactory conduct of the applicant/appellant, we hereby suspend the sentence of applicant / appellant during the pendency of the appeal and he shall be released on furnishing a personal bond in the sum of Rs. 5,000/- with one surety in the like amount to the satisfaction of the concerned Trial Court. It is made clear that during the pendency of the appeal, the applicant/appellant shall not visit nearby the house of the prosecutrix.

5. The application stands disposed of.

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

DECEMBER 20, 2023
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