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

+ **CRL.A. 410/2018**

NEERAJ

..... Appellant

Through Mr. Simon Benjamin, Adv.
(DHCLSC)

versus

STATE

..... Respondent

Through Mr. Meenakshi Dahiya, Addl. PP for
the State

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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11.07.2019

1. Subject appeal has been listed before this Court as report has been received that despite the suspension of sentence of the appellant, by order dated 05.09.2018, directing appellant to furnish a personal bond in the sum of Rs. 25,000/- with one surety of the like amount, the appellant could not be released as surety bond was not furnished.

2. Learned counsel appearing for the appellant submits that the appellant at the time of apprehension was aged about 20 years and living with his widow mother and his instructions are that he does not have enough funds to furnish a surety bond in the sum of Rs. 25,000/-. He prays that the amount be reduced.

3. Appellant was convicted under Section 308 IPC and sentenced to undergo four years rigours imprisonment.

4. Nominal roll dated 21.03.2018 is on record which indicates that

as on the said date, the appellant had already undergone six months and 16 days of incarceration. Over one year and four months have further passed, so the appellant has probably undergone nearly two years of incarceration out of four years and would have also earned remission in the meantime. As per the nominal roll, the jail conduct was also satisfactory.

5. Keeping in view the totality of the facts and circumstances and the submissions of learned counsel, the amount of surety bond as well as personal bond required to be submitted in terms of order dated 05.09.2018 is reduced to Rs. 10,000/-.

6. Accordingly, on appellant furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount subject to the satisfaction of the trial court, the remaining sentence of the appellant shall remain suspended during pendency of the present appeal, subject to the other terms and conditions as stipulated by order dated 05.09.2018.

7. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JULY 11, 2019
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