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

+ **CRL.A. 895/2024**

N.S.

.....Appellant

Through: Mr. Zeeshan Diwan,
Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State
with SI Dharmendra, PS
Paharganj.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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02.12.2024

CRL.M.A. 36218/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.A. 36191/2024 (for modification of order dated 23.09.2024)

3. The present application has been filed seeking modification of order dated 23.09.2024, whereby the sentence of the appellant was suspended till the pendency of the present appeal, to the extent that he be released on the strength of personal bonds without furnishing any surety.
4. It is stated that the appellant is no longer on good terms with his wife and his parents have both passed away. It is further stated that the elder brother of the appellant has also refused to act as surety for the appellant due to their bad relationship.
5. It is stated that the appellant has undergone more than eight years and seven months of his sentence. In such



circumstances, it is not implausible that the appellant has been unable to find someone to stand as a surety for him. It is a common knowledge that the convicts who are in custody for a long duration of time, oftentimes, find themselves in a position where they are unable to persuade even their family members to stand as surety for them.

6. ***In Re : Policy Strategy for Grant of Bail : 2023 SCC OnLine SC 483***, the Hon'ble Apex Court had specifically noted that if the accused is not able to furnish bail bonds and sureties within one month from the grant of bail, the concerned Court may *suo moto* take up the case and consider whether the conditions of bail require modification / relaxation.

7. After his sentence has been suspended, the appellant ought not to be made to suffer imprisonment for mere lack of surety.

8. In view of the same, this Court considers it apposite to relax the conditions. The sentence of the appellant is suspended and he is directed to be released (if not in custody in any other case) on furnishing a personal bond for a sum of ₹25,000/-, subject to the satisfaction of the concerned Jail Superintendent, on the conditions as imposed by this Court by order dated 26.07.2024.

AMIT MAHAJAN, J

DECEMBER 2, 2024