

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

12.

OA (Appeal) 3526/2025

Cpl Perugu Sai Teja (Convict)	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Durgesh Kumar Sharma, Advocate
For Respondents	:	Ms. Nehal Jain, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
10.11.2025

This appeal has been filed by the appellant under Section 15(3) read with Section 15(6) of the Armed Forces Tribunal Act, 2007 (hereinafter referred as AFT Act, 2007). Earlier, the appellant had invoked the jurisdiction of this Tribunal by filing a regular appeal under Section 15 of the AFT Act, 2007, calling into question the sentence and punishment imposed upon him after conclusion of the trial. The appellant was sentenced to rigorous imprisonment, dismissal from service, and reduction in rank.

2. When the earlier OA being OA No.3449/2025 was filed, this Tribunal was of the considered opinion that as the confirmation proceedings were still pending the regular appeal was not maintainable. The appellant was advised to

await the confirmation of the sentence as only thereafter, the trial would be deemed to have concluded and the right to file an appeal would accrue to him.

3. Faced with the aforesaid situation, learned counsel for the appellant withdrew the said OA. The appellant has now invoked the jurisdiction of this Tribunal under Section 15(3) read with Section 15(6) of the AFT Act, 2007, seeking bail on the ground that he has already been in custody for more than 68 days. It is submitted that the confirmation proceedings may take considerable time and if the appellant is to languish in jail for the entire period of the sentence of six months, the very purpose of filing an appeal and raising other legal issues would be frustrated.

4. Apart from imprisonment, the appellant has also been punished with dismissal from service and reduction in rank. Normally, this Tribunal does not interfere at the interlocutory stage with dismissal orders or punishments other than imprisonment. That being so, even after trial the appellant is not left scot-free as he continues to suffer the punishments of dismissal and reduction in rank. The appellant has already undergone 68 days of custody and it has been the experience of this Tribunal that in many cases the confirmation proceedings take more than six to eight months to conclude.




5. Taking note of the aforesaid and relying on the principle of law laid down by the Hon'ble Supreme Court in Aasif @ Pasha vs. State of U. P. & Ors., [Criminal Appeal No. 3409 of 2025, decided on 06.08.2025], wherein the Hon'ble Court observed as under:

21. The High Court should have been mindful of the fact that the appeal is of the year 2024. Appeal of 2024 is not likely to be taken up in near future. Ultimately, if 4 years are to elapse in jail the same would render the appeal infructuous and that would be travesty of justice.

22. In such circumstances, referred to above, we set aside the impugned order and remand the matter to the High Court for fresh consideration of the plea of the appellant – herein for suspension of the substantive order of sentence keeping in mind the principles of law as explained by us aforesaid. The High Court shall keep in mind that the sentence is for a fixed term, i.e. 4 years and it is only if there are any compelling circumstances on record to indicate that the release of the appellant would not be in public interest that the Court may order accordingly.

6. The principle laid down in the aforesaid judgment applies squarely to the present case. The very purpose of the provisions for grant of bail would be frustrated if the applicant is kept in custody for the entire duration of the sentence awarded after trial. Therefore, in exercise of the powers available to this Tribunal under Section 15(6) of the AFT Act, the appeal is allowed and bail is granted to the appellant. However, we are informed by learned counsel for the appellant that the appellant is presently in custody at the




Air Force Academy, Hyderabad. Accordingly, the appellant shall be released on bail on furnishing a personal bond of Rs. 5,000/- (Rupees Five Thousand only) with one surety of the like amount to the satisfaction of the Competent Authority at the Air Force Academy, Hyderabad subject to the following conditions:

(a) That the appellant, if holder of a passport, shall surrender the same to the Competent Authority at the Air Force Academy, Hyderabad, else he shall file an affidavit to the effect that he does not hold a passport.

(b) That the appellant will not commit any offence while on bail and shall not indulge in any act of violence by words or physical act against any officer of the Indian Air Force.

(c) That the appellant will not try to approach any of the witnesses who have testified against him with a view to threaten or intimidate them.

7. The appellant shall also file an undertaking by way of an affidavit to the effect that as and when he is summoned or called for the confirmation proceedings, he shall not cause any default and shall appear before the Competent Authority for the said proceedings.



8. With the aforesaid directions, the OA (Appeal)
No. 3526/2025 stands disposed of.

9. A copy of this order be given '*DASTI*' to both the
parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

/PS/
OA (Appeal) 3526/2025