

I.A No. 36/2026
SC No. 439/2023
State Vs. Sahil Gahlot & Ors
(Interim Bail Application of Accused Lokesh Yadav)
FIR No. 76/2023
PS : Crime Branch
U/s : 302/201/202/212/120B/34 IPC

09.03.2026

Present: Shri Girish Kumar Manhas, Ld. Addl. PP for State.
Shri Nishchaya Nigam, Ld. Counsel for the
applicant/accused.
IO Inspector Anil Malik (Through VC)

At the outset, the Investigating Officer (IO) has prayed that he be permitted to appear before the Court through Video Conferencing as he is required to attend another court proceeding through VC. The request is allowed.

This is an application for grant of interim bail filed on behalf of the applicant/accused Lokesh Yadav on the grounds, inter alia, that the daughter of the applicant/accused was studying in *Little World School, Pandwala Kalan, Delhi*, and that a notice dated 04.02.2026 has been issued by the MCD regarding closure of the said school. It is submitted that in view of the closure of the said school, it has become imperative for the applicant/accused to secure admission of his daughter in another school and also to arrange for school fees and other related expenses. It is further contended that in a catena of judgments, the Hon'ble Supreme Court has granted interim bail to enable an accused to attend to urgent domestic affairs. It is also contended that the right to education of the daughter of the applicant/accused is a fundamental right and merely because the

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applicant/accused is presently incarcerated, the said right of his daughter cannot be adversely affected. *On these grounds, it is prayed that the applicant/accused be released on interim bail for a period of four weeks.*

A detailed reply has been filed by the IO opposing the present application. It is submitted that there are other family members of the applicant/accused, namely his wife and mother, who can very well take care of the admission formalities of the daughter of the accused/applicant. It is further stated that the wife of the applicant/accused namely *Sapna Yadav*, is an educated person and is fully capable of managing the admission process of the child.

The IO has also submitted orally that the daughter of the applicant/accused is approximately 4½ years old, and the other family members can easily take care of her admission. It is further submitted that the school which has been closed was being run from a residential premises and that only about 25 children were studying in the said school.

The application of the applicant has also been opposed by Ld. Addl. PP for the State, who has relied upon the reply filed by the IO. It is submitted that the applicant/accused cannot seek interim bail merely to attend to domestic chores, particularly when other capable family members are available who can take care of the admission of the daughter of the applicant/accused.

I have heard the submissions made by Ld. Counsel for the applicant/accused, the Ld. Addl. PP for the State and the IO. Further I have also have carefully perused the record.

It is trite to say that although the BNSS / Cr.P.C. does not expressly define the concept of *interim bail*, the same has been

judicially recognized and developed through precedents. The circumstances in which courts may invoke their discretionary jurisdiction to grant interim bail have been summarized by the Hon'ble Supreme Court in **Arvind Kejriwal v. Directorate of Enforcement**, (2024) 9 SCC 577, wherein the Hon'ble Apex Court referred to the decision in **Athar Pervez v. State**, *2016 SCC OnLine Del 6662*, to highlight the concept of interim bail and the same reads as under:

“The expression ‘interim bail’ is not defined in the Code. It is an innovation by legal neologism which has gained acceptance and recognition. The terms ‘interim bail’ or ‘interim suspension of sentence’ are well-known expressions in legal vocabulary. Interim bail entails temporary release and can be granted under compelling circumstances and grounds, even where regular bail may not be justified. Intolerable grief and suffering in given facts may justify temporary release, though such situations cannot be catalogued exhaustively.”

Thus, interim bail is intended to meet compelling, urgent or exceptional circumstances and cannot be granted as a matter of routine. Temporary release may be justified in cases of grave personal emergencies or situations involving intolerable hardship.

Coming to the present case. The ground taken by the applicant/accused for seeking interim bail is that the school where his daughter was studying has been closed and that her admission needs to be secured in another school. However, from the reply filed by the IO as well as the submissions made before this Court, it is apparently clear that other family members of the applicant/accused particularly his wife and mother are available and capable of completing the admission formalities of the child. The wife of the applicant/accused is stated to be an educated person and there is nothing on record to

suggest that she is unable to undertake the said responsibility. *Therefore*, in these circumstances, the reason put forth by the applicant/accused does not constitute a *compelling or exceptional ground* warranting grant of interim bail. The purpose for which interim bail has been sought can reasonably be taken care of by the other family members.

Therefore, considering the nature of the allegations against the accused and the availability of other family members to attend to the admission of the daughter of the applicant/accused, this Court does not find any exceptional circumstances justifying grant of interim bail.

Accordingly, the application for interim bail filed by the applicant/accused Lokesh Yadav is hereby dismissed.

Copy of this order be given dasti to Ld. Counsel for the applicant/accused, as prayed for.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/09.03.2026