

IA No. 7/2026 in SC No. 416/2025
State Vs. Anil Kumar & Ors
(Applicant :- Anil Kumar)
FIR No. 121/2025
PS : Chhawala
U/s : 103(1)/238(B)/61(2)/3(5) IPC
CNR No. DLSW01-005888-2025

23.07.2026

**ORDER ON APPLICATION OF THE ACCUSED SEEKING
EXTENSION OF INTERIM BAIL**

Present: Shri Lokesh Kumar and Shri Dinesh Mudgil, Ld
Counsels for the accused/applicant.
Shri Girish Kumar Manhas, Ld. Addl. PP for State.
IO is absent.

1. Vide this order, I shall dispose of the application filed by applicant/accused Anil Kumar through his counsel seeking extension of the interim bail for a further period of two months already granted to him vide order dated 29.06.2026 passed by the Ld. ASJ/Vacation Judge, Dwarka Courts.

2. At the outset this court has observed that the present application does not bears the signature of the accused/applicant and only bears the signature of the Ld. Counsel for the accused despite the admitted fact that the applicant is already on interim bail.

3. Now coming to the grounds on which the interim bail had initially been sought by the accused/applicant, which was allowed by the Ld. ASJ/Vacation Judge, Dwarka Courts vide order 29.06.2026. The applicant had earlier sought interim bail on the medical ground of his mother namely Smt. Atro Devi,

aged about 80 years, who was stated to be suffering from severe osteoarthritis of both knees, with the right knee being more severely affected.

4. The medical prescription dated 25.06.2026 issued by Aakash Healthcare Super Speciality Hospital reflected that the applicant's mother required right total knee replacement at the earliest on account of severe pain, crippling effect and difficulty in walking. The medical record further stated that she would require a 24-hour attendant for a period of approximately three to five months during treatment and rehabilitation.

5. The aforesaid medical documents were duly verified by the IO. However, as no definite date for the proposed surgery had been mentioned at that stage, the Ld. Vacation Court, vide order dated 29.06.2026, granted interim bail to the applicant for a limited period of 25 days, instead of two months as prayed, subject to the conditions stipulated in the said order.

6. Significantly, the Ld. Vacation Judge expressly directed that upon completion of the period of interim bail, the applicant/accused would surrender before the concerned Jail Authorities and would not seek any further extension of interim bail without first surrendering himself before the Jail Authorities.

7. Now coming to the present application filed by the applicant/accused. The present application has been moved by the accused/applicant on the ground that, after the passing of the earlier order, the applicant's mother underwent further medical

examination and a certificate dated 08.07.2026 was issued by the treating hospital, according to which she was to be admitted on 21.07.2026 and her right total knee replacement was tentatively scheduled for 22.07.2026.

8. It is further submitted that before the proposed surgery could be performed, the applicant's mother developed high-grade fever with chills, weakness, nausea and vomiting and she was initially examined at Tarun Multi Specialist Hospital on 18.07.2026 and was thereafter admitted to Aakash Healthcare Super Speciality Hospital on 21.07.2026.

9. Learned counsel for the applicant/accused has submitted that the applicant's mother is presently admitted in the ICU and owing to her unstable medical condition, the scheduled knee replacement surgery could not be performed. It is contended that the applicant is the only adult male member of the family capable of making arrangements for her hospitalization, medicines, surgery, attendant, physiotherapy and post-operative rehabilitation. It is further submitted that the applicant has scrupulously complied with all the conditions imposed while granting interim bail and he has neither misused the liberty nor attempted to contact or influence any witness. It is further contended that the applicant has also marked his attendance at PS Chhawla on alternate days as directed. On these grounds, extension of interim bail for a further period of two months has been sought.

10. Now coming to the reply filed by the IO. A detailed reply

has been filed by the IO opposing the application. The IO has verified the medical documents from Aakash Healthcare Super Speciality Hospital as well as Tarun Multi Specialist Hospital and has reported that the documents are genuine. It is reported that as per the verification report received from Aakash Healthcare Super Speciality Hospital mother of the accused/applicant namely Smt. Atro Devi was admitted on 21.07.2026 in the ICU with acute febrile illness, probable enteric fever/urosepsis, decreased urinary output and uncontrolled hypertension. She is also stated to be receiving intravenous fluids, antibiotics, antipyretics, supportive treatment and continuous monitoring.

11. It is further stated by the IO in his reply that the hospital has further reported that although right total knee replacement had been tentatively scheduled for 22.07.2026, the proposed surgery has been deferred owing to the acute medical illness of the patient and shall be undertaken only after she is medically fit to undergo anaesthesia and surgery. It is further stated that the hospital has also reported that considering the advanced age, limited mobility and present medical condition, the patient requires an attendant during hospitalization and also during the post-operative rehabilitation period.

12. Ld. Addl. PP for the state has also opposed the application of the applicant primarily on the ground that the allegations against the applicant are grave and the case is presently at the stage of prosecution evidence. It is further submitted that only one witness has been examined and material witnesses, including the younger son of the deceased and the applicant are yet to be

examined and the said witness is stated to have been summoned for 08.08.2026. It is further stated that extension of interim bail may afford the applicant an opportunity to influence the witnesses. Accordingly, it is prayed that the application of the applicant seeking extension of interim bail be dismissed.

13. I have heard the submissions of the Learned counsels for the applicant/accused, Learned Addl. PP for the State and the IO. Further I have carefully gone through the application, medical documents, verification reports and the previous order dated 29.06.2026 passed by the Ld. Vacation Court.

14. 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.”

15. 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.

16. Therefore, while considering an application for extension of interim bail also, the Court is required to examine whether the compelling circumstance which formed the basis of the initial release continues to subsist, whether any subsequent development genuinely necessitates further temporary release and whether the humanitarian requirement can be balanced with the interests of a fair trial.

17. In the present case, the earlier interim bail was granted primarily to enable the applicant to facilitate the proposed knee replacement surgery of his mother. However, the verified medical report now establishes that the surgery has been deferred and no fresh confirmed date has been fixed. The concerned hospital has clarified that right total knee replacement of the mother of the applicant/accused is an elective procedure intended to improve pain and mobility and although it was tentatively scheduled for 22.07.2026, the surgery has been deferred owing to the acute medical illness of the patient and shall be undertaken only after she is medically fit to undergo anaesthesia and surgery. Thus, no definite fresh date for the proposed surgery has been fixed.

18. The mother of the applicant is presently admitted in the hospital and is receiving treatment under the supervision of qualified doctors and hospital staff. The medical report states that she requires an attendant. It does not state that the personal presence of the applicant alone is medically indispensable or that no other relative, professional caregiver or authorised attendant can look after her.

19. Further interestingly the applicant remained on interim bail for 25 days and during this period, he had sufficient opportunity to make appropriate arrangements for the future care of his mother, including engaging a trained caregiver, nursing attendant or other suitable person. No material has been placed on record to show that any genuine attempt was made during the period of interim bail to arrange an alternative caregiver or that such an arrangement was unavailable or medically unsuitable.

20. This aspect assumes further significance because one of the express conditions imposed by the learned Vacation Judge was that the applicant would not reside with his mother and his sons in the same house. Thus, the applicant was not granted interim bail for personally residing with and continuously attending upon his mother. His role was essentially to make arrangements for her treatment and care which could reasonably have included arranging a suitable caregiver.

21. Further it is also interesting to see that on a Court query, the IO submitted that the applicant is presently residing in his

office situated at Sector-12, Dwarka, purportedly in compliance with the condition that he shall not reside with his mother (for whose treatment and knee surgery the accused/applicant is seeking extension of interim bail) and sons in the same house. However, it is pertinent to note that the bail bonds furnished by the applicant pursuant to the order granting interim bail mention his address as T-5, New Palam Vihar, Gurugram, Haryana. Another address of the applicant appearing in the judicial record is Kothi No. 4, Sector-10, Dwarka, near Vandana International School, Delhi. Surprisingly, the same addresses have also been cited by the prosecution as the residential addresses of Master Adhiraj, the son of the applicant, who is a material prosecution witness in the present case.

22. No satisfactory explanation has been furnished regarding the actual place of residence of the applicant during the subsistence of interim bail. The IO has also not disclosed the basis, source or manner of verification upon which he stated that the applicant is residing in his office at Sector-12, Dwarka. No physical verification report or other supporting material has been placed before the Court to substantiate the said statement of the IO.

23. The existence of multiple addresses, coupled with the fact that some of those addresses are also shown as the addresses of a material prosecution witness, also creates uncertainty regarding whether the condition restraining the applicant from residing with or remaining in proximity to his sons has been scrupulously complied with. In such circumstances, the Court cannot proceed

merely on the basis of an unverified oral statement that the applicant is residing at his office in Sector-12, Dwarka.

24. It is further worth noting that the Learned Vacation Judge had specifically directed that the applicant shall not seek any further extension of interim bail without first surrendering before the concerned Jail Authorities. The said condition was clear, categorical and formed an integral part of the initial order dated 29.06.2026 granting temporary release. The applicant accepted the benefit of interim bail subject to the said condition and is, therefore, bound by it. Apparently, the applicant cannot accept the favourable part of the earlier order while disregarding the express obligation to surrender before seeking further extension and therefore, filing the present application during the subsistence of interim bail, without first surrendering, is contrary to the specific condition imposed by the learned Vacation Judge. Further compliance with the other conditions of interim bail, even if assumed, does not dilute the requirement of surrender specifically imposed while granting the exceptional and time-bound relief.

25. The case is presently at the stage of prosecution evidence. Material witnesses, including the son of the deceased and the applicant are yet to be examined. In view of the ambiguity regarding the actual residence of the applicant and the fact that the addresses cited for him overlap with the addresses of a key prosecution witness, the apprehension of the prosecution regarding possible contact with or influence upon the witness cannot be considered unfounded.

26. The gravity of the case, the stage of trial and the necessity of protecting the testimony of material witnesses require that the temporary liberty granted to the applicant should not be prolonged in the absence of a compelling and medically indispensable circumstance.

27. This Court is conscious of the advanced age and medical condition of the applicant's mother. However admittedly the proposed surgery has been deferred and no definite fresh date has been fixed and the hospital has not certified that the applicant alone is required as an attendant. The applicant could have arranged a suitable caregiver during the 25 days of interim bail which the applicant has failed to do. ***Therefore, in view of the above discussion and considering the gravity of the offence and the absence of any immediate surgery of the mother of the applicant this Court does not find it to be a fit case for extension of interim bail. Accordingly, the application filed on behalf of applicant/accused Anil Kumar seeking extension of interim bail is hereby dismissed.***

28. The applicant shall surrender before the concerned Jail Superintendent immediately upon expiry of the period of interim bail granted vide order dated 29.06.2026, without waiting for any further direction from this Court.

29. The SHO/IO concerned shall verify the surrender of the applicant and place a compliance report on record and in case the applicant fails to surrender within the stipulated period, coercive

process shall be initiated by the court against him in accordance with law on the basis of the report so submitted.

Nothing stated herein shall be construed as an expression on the merits of the pending trial.

Application stands disposed of accordingly.

Copy of this order be given dasti to the Ld. Counsel for the accused/applicant and be also sent to the concerned jail superintendent and SHO for information and compliance.

(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/23.07.2026