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

+ CRL.A. 97/2025

SAJID

.....Appellant

Through: Mr. Rajesh Pandey and Ms. Neha
Gund, Advocates

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for State with SI
Annu

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

% **17.04.2026**

CRL.M.(BAIL) 180/2025

1. This is an application under Section 430 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (the BNSS), seeking suspension
of the sentence of the sole accused in Sessions Case no. 6736/2016
on the file of Additional Sessions Judge-04 (PoCSO), South
District, Saket Court, New Delhi. *Vide* the judgement dated
03.09.2024, the accused has been convicted for the offences
punishable under Section 376 of the Indian Penal Code, 1860 (the



IPC) as well as Section 4 read with Section 3 of PoCSO Act. *Vide* order on sentence dated 21.10.2024, he has been sentenced to varying terms of imprisonment for the aforesaid offences. The sentences have been directed to run concurrently. Therefore, the maximum sentence he will have to undergo is for a period of 07 years.

2. The learned counsel for the appellant submits that out of the sentence of 07 years, the appellant has already served 02 years.

3. The learned Additional Public Prosecutor opposes the present application on the ground that the appellant has criminal antecedents.

4. Heard both sides.

5. I was taken through Exhibit PW2/B, the 164 statement of the victim as well as the testimony of PW2. In the 164 statement, which is her first statement, the victim stated that the appellant/accused had not done anything to her. However, in the box, she has taken a stand that the appellant/accused raped her. It



appears from the materials on record that the appellant/accused has an arguable case.

7. Hence, in view of the aforesaid facts and circumstances of the case, the sentence imposed upon the appellant/accused is suspended during the pendency of the appeal on execution of a personal bond of ₹15,000/- with two solvent sureties for the like amount each to the satisfaction of the trial court, subject to the following conditions:-

- (i) The appellant shall not contact the victim or any other family members.
- (ii) The appellant shall not commit any offence(s) while on bail.
- (iii) The appellant shall appear before this Court as and when directed.
- (iv) The appellant shall provide the mobile number and the address where he is residing to the Station House Officer concerned and shall not change the mobile number



and address without informing the Station House Officer concerned.

(v) Needless to say, in the event of violation of any of the aforementioned condition(s), the suspension of sentence granted shall forthwith stand cancelled.

8. With the above directions, the application is disposed of.

9. A copy of this order be communicated to the Jail Superintendent concerned for information and compliance.

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List on 13.10.2026.

CHANDRASEKHARAN SUDHA, J

APRIL 17, 2026

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