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

+ **CRL.A. 224/2022**

KULDEEP TOMAR

.....Appellant

Through: Mr. Maninder Singh, Senior
Advocate (Amicus Curiae for the
applicant) with Mr. Dinhar Takiar
(Amicus Curiae for the applicant),
Ms. Sanjana Nair, Ms. Janvi Narang,
Ms. Anurupita Kaur and Ms. Harshita
Takiar, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav and Mr. Lalit
Luthra, Advocates for State
SI Suresh Kr. Meena, PS New Usman
Pur
Mr. Harsh Prabhakar, (Amicus Curiae
for the victim) with Mr. Dhruv
Chaudhry and Mr. Shubham Sourav,
Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.03.2025

CRL.M.(BAIL) 549/2025

1. The instant application under Section 430 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the applicant/appellant seeking the following reliefs:



“(i) Grant Interim Suspension of sentence to the Appellant for a period of 02 months considering the examination of the Appellant scheduled w.e.f. 17.03.2025 to 21.04.2025; AND also on the ground of the medical condition of the wife of the Appellant, who needs to undergo surgery.

“(ii) Pass any other or further order(s) as may be deem fit and proper in the facts and in the circumstances of the case.”

2. By way of the instant application, the applicant/appellant seeks interim suspension of his sentence, for a period of 2 months, on the ground that *firstly*, he is enrolled in B.A. (Pvt.) programme in Chaudhary Charan Singh University, Meerut, Uttar Pradesh and the examination for the same is scheduled from 17th March, 2025 to 21st April, 2025. *Secondly*, he seeks interim suspension of his sentence on the ground of illness of his wife, who is stated to be already admitted in Shakuntla Hospital, Sagarpur, Delhi.

3. Pursuant to the order dated 18th March, 2025, the *Paikar* of the applicant has filed an affidavit along with the Admit Card of the applicant and a letter dated 18th March, 2025 issued by S.P.S. College of Education, Baraut (Baghpat), U.P., wherein, it is stated that the applicant is a student of the said institution and as per the directions of Chaudhary Charan Singh University, attendance is not a criteria for appearing in the examination.

4. Mr. Maninder Singh, learned *amicus curiae* for the applicant submitted that the applicant's examinations for different subjects are scheduled to be conducted on 21st March, 2025; 22nd March, 2025; 25th March, 2025; 28th March, 2025; 11th April, 2025; 12th April, 2025 and 21st April, 2025. It is further submitted that one examination was to be held today i.e., 20th March, 2025, which now stands concluded. A copy of the examination form and examination schedule is annexed as Annexure A-1



and A-2, respectively.

5. Learned *amicus curiae* for the applicant, on instructions, submitted that as per the schedule of the examination, the applicant may be released on interim bail from 21st March, 2025 to 28th March, 2025, thereby surrendering before the concerned Jail Superintendent on 29th March, 2025. Further, the applicant may also be released on 9th April, 2025 to appear in subsequent examinations and he shall surrender before the concerned Jail Superintendent on 23rd April, 2025.

6. On instructions, it is further submitted that the applicant undertakes to abide by all the terms and conditions imposed by this Court if he is released on interim bail for the aforesaid period.

7. Issue notice. Notice is accepted by Mr. Ritesh Kumar Bahri, learned APP for the State as well as by Mr. Harsh Prabhakar, learned *amicus curiae* for the victim. It is submitted by the learned APP for the State as well as the learned *amicus curiae* for the victim that they have no objection to the interim bail being granted to the applicant for the aforesaid period.

8. Heard learned counsel for the parties and perused the material placed on record.

9. Keeping in view the examination schedule of the applicant, the foregoing submissions made by the learned *amicus curiae* for the applicant and the no objection given by the learned *amicus curiae* for the victim as well as the learned APP for the State, this Court is inclined to allow the instant application, thereby, suspending the sentence of the applicant.

10. In view of the aforesaid, it is directed that the applicant shall be released on interim bail for the period mentioned herein below, on his furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand



only) with two solvent sureties of like amount to the satisfaction of the concerned Jail Superintendent subject to the conditions as follows:-

- (a) The applicant shall be released on interim bail for the period from 20th March, 2025 to 28th March, 2025 and he shall surrender before the concerned Jail Superintendent on 29th March, 2025.
- (b) Thereafter, the applicant shall be released on interim bail for the period from 9th April, 2025 to 22nd April, 2025, on the same bonds/sureties and he shall surrender before the concerned Jail Superintendent on 23rd April, 2025.
- (c) The applicant shall appear in examination on the scheduled dates (mentioned in para 2 of the application) and shall leave the territory of Delhi only for the purpose of appearing in the examinations at the aforesaid institution based in Baghpat, U.P. during the period of his interim suspension of sentence.
- (d) The applicant shall under no circumstances leave India without prior permission of this Court;
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (f) The applicant shall provide his mobile number to the concerned Jail Superintendent and keep it operational at all times;
- (g) The applicant shall commit no offence whatsoever during the period he is on interim bail.

11. Accordingly, the instant application stands disposed of.



12. A copy of this order be sent to concerned Jail Superintendent for compliance.

CHANDRA DHARI SINGH, J

ANUP JAIRAM BHAMBHANI, J

MARCH 20, 2025

Rt/mk

[Click here to check corrigendum, if any](#)