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

+ **CRL.A. 224/2022 and CRL.M.(BAIL) 607/2022**

KULDEEP TOMAR

.....Appellant

Through: Mr. Dinar Takiar, Amicus Curiae
with Ms. Harshita Takiar, Advocate
(M: 9891791615).

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP with SI Suresh
Kumar, PS New Usman Pur.
Mr. Harsh Prabhakar, Amicus Curiae
with Mr. Dhruv Chaudhary, Mr.
Adeeb Ahmad and Ms. Eshita Pallavi,
Advocates for Victim.

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WITH

+ **CRL.A. 225/2022 and CRL.M.(BAIL) 608/2022, CRL.M.(BAIL)
609/2022**

SMT MITHLESH

.....Appellant

Through:

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP with SI Suresh
Kumar, PS New Usman Pur.
Mr. Harsh Prabhakar, Amicus Curiae
with Mr. Dhruv Chaudhary, Mr.
Adeeb Ahmad and Ms. Eshita Pallavi,
Advocates for Victim.

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WITH

+ **CRL.A. 226/2022 and CRL.M.(BAIL) 610/2022, CRL.M.(BAIL)**



611/2022, CRL.M.(BAIL) 476/2024

SH RAM BHAROSE

.....Appellant

Through: Mr. Ajay Varma, Amicus Curiae
with Mr. S.S.Tomar and Mr. Vivek
Kumar Pandit, Advocates (M:
9811098069).

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP with SI Suresh
Kumar, PS New Usman Pur.
Mr. Harsh Prabhakar, Amicus Curiae
with Mr. Dhruv Chaudhary, Mr.
Adeeb Ahmad and Ms. Eshita Pallavi,
Advocates for Victim.

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WITH

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CRL.A. 227/2022 and CRL.M.(BAIL) 612/2022

SH SANJAY TOMAR

.....Appellant

Through:

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aman Usman, APP with SI Suresh
Kumar, PS New Usman Pur.
Mr. Harsh Prabhakar, Amicus Curiae
with Mr. Dhruv Chaudhary, Mr.
Adeeb Ahmad and Ms. Eshita Pallavi,
Advocates for Victim.

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AND

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CRL.A. 323/2022

NEERAJ

.....Appellant



Through: Mr. Amit Chadha, Mr. Jitender, Mr. Atin Chadha, Mrs Munisha Chadha, Mr. Harjas Singh Chhatwal and Mr. Saarthak Sethi, Advocates (M: 8800580700).

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Aman Usman, APP with SI Suresh Kumar, PS New Usman Pur.
Mr. Harsh Prabhakar, Amicus Curiae with Mr. Dhruv Chaudhary, Mr. Adeeb Ahmad and Ms. Eshita Pallavi, Advocates for Victim.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

ORDER
% **16.10.2024**

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 610/2022 and CRL.M.(BAIL) 476/2024 in CRL.A. 226/2022

2. These are applications filed on behalf of Appellant - Ram Bharose under Section 389 read with Section 482 of CrPC, seeking regular suspension of sentence and grant of bail during the pendency of the present appeal.

3. The submission on behalf of the Appellant- Ram Bharose is that the Appellant is a senior citizen about 71 years old and the only allegation against him is of conspiracy. It is stated that the Appellant has been in custody more than four and a half years. It is also stated that the co-accused i.e., Neeraj in **CRL.A.323/2022** who has more active role to play in the alleged offence, has



been already released on bail after suspension of sentence by the Predecessor Bench of this Court in **CRL.M.(BAIL) 1043/2023** vide order dated 7th March, 2024 as his sentence has also been suspended. It is further urged that the Appellant's medical condition also warrants suspension.

4. Mr. Aman Usman, Id. APP appearing for the State has opposed the present application for suspension of sentence. He submits that the role of the co-accused Neeraj is completely distinguishable from that of the Appellant. In fact allegations were made against the Appellant even before the incident took place and thus, the Appellant's position cannot be equated with that of the said co-accused. Considering that the present is a case of honour killing, it is also submitted by the Id. Amicus Curiae that the Appellant is the father of the girl with whom the deceased was married. However, the co-accused, Neeraj, who has been granted bail, is a third party and not a family member of the said girl.

5. On the last date of hearing *i.e.*, 9th September, 2024, while considering the present application for suspension of sentence, this Court had called for a report from the concerned Jail Superintendent regarding the medical condition of the Appellant.

6. The report of Senior Medical Officer from Dispensary, Central Jail-2, Tihar, New Delhi, dated 7th October, 2024 has been placed on record, wherein it is stated that the Appellant is a follow up case of Coronary Artery Disease (CAD), Triple Vessel Disease (TVD), Post-PTCA [Percutaneous Transluminal Coronary Angiography) with stenting in Right Coronary Artery in 2018, bilateral moderate sensori-neural hearing loss, and Benign Prostrate Hyperplasia (BPH). It is also stated that the Appellant is under regular treatment with the jail duty doctors, jail visiting specialist doctors and also at



G. B. Pant Hospital, New Delhi. The relevant portion of the said report is reproduced as under:

“It is submitted that the inmate/patient has been counselled by the jail duty doctors that he requires coronary angiography for his medical condition as advised by the cardiologist doctor in G B Pant Hospital. He agreed to undergo the said procedure in G B Pant Hospital. Accordingly, he has been planned for review in the cardiology department of G B Pant Hospital on 19/10/2024 along with the reports of prescribed blood tests.”

7. It is clear from a perusal of the said medical report that the Appellant-Sh. Ram Bharose has been advised coronary angiography and accordingly, he has been recommended to undergo a review at the G.B. Pant Hospital on 19th October, 2024 along with the reports of the prescribed blood tests.

8. Without going into the merits of the matter, in view of the aforesaid medical report, this Court is inclined to grant the Appellant - Ram Bharose interim suspension of sentence for a period of two months from the date of his release, subject to his furnishing a personal bond for a sum of Rs. 25,000/- and a surety of a like amount to the satisfaction of the concerned Jail Superintendent and subject to the following conditions: -

- i) The Appellant shall not leave the country without prior permission of this Court.;
- ii) The concerned Investigating Officer shall be informed of the address where the Appellant would be residing. The Appellant shall also intimate this Court, by way of an affidavit, and the Investigating Officer regarding any change in residential address;



iii) The Appellant shall appear before this Court as and when the matter is taken up for hearing;

iv) The Appellant shall provide his mobile number to the concerned I.O. and intimate about any change therein.

v) The Appellant shall surrender *forthwith* on the expiration of the period of two months from the date of his release before the concerned Jail Superintendent.

9. The applications for suspension of sentence are disposed of in the above terms.

10. Copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.

11. Order be uploaded on the website of this Court *forthwith*.

CRL.M.(BAIL) 608/2022 in CRL.A. 225/2022

12. The present application has been filed under Section 389 read with Section 482 of Cr.P.C. by the Appellant/Applicant-Smt. Mithlesh, seeking regular suspension of sentence and release on bail during the pendency of the captioned appeal.

13. This Court vide order dated 29th August, 2024, had granted interim suspension of sentence to the Appellant-Smt. Mithlesh in ***CRL. M. (BAIL) 1360/2024*** and she has been released on bail for a period of 3 months.

14. In light of the same, the present application is not pressed by the Id. Counsel for the Appellant.

15. Accordingly, the present application is disposed of in above terms.

CRL.A. 224/2022 and CRL.M.(BAIL) 607/2022 (seeking suspension of sentence *qua* compensation)

CRL.A. 225/2022 and CRL.M.(BAIL) 609/2022 (seeking suspension of



sentence *qua* compensation)

CRL.A. 226/2022 and CRL.M.(BAIL) 611/2022 (seeking suspension of sentence *qua* compensation)

CRL.A. 227/2022 and CRL.M.(BAIL) 612/2022 (seeking suspension of sentence *qua* compensation)

CRL.A. 323/2022

16. List for hearing on 22nd January, 2025.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

OCTOBER 16, 2024

MR/MS/SC