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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 225/2021**
MINTAAZAppellant

Through: Mr. Sunil Choudhary, Adv.
versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for
State

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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10.12.2025

CRL.M. (BAIL) 987/2021

1. The present application has been filed under Section 430 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking suspension of sentence till pendency of his appeal.
2. The appellant has preferred the captioned appeal seeking quashing/setting aside of the judgment of conviction dated 03.12.2020 and order on sentence dated 12.01.2021, passed by learned Trial Court in Sessions Case No. 362/2017 arising out of FIR No. 797/2016, registered at Police Station Uttam Nagar, whereby appellant has been held guilty for offences punishable under Section 6 read with Section 5(m) of POCSO Act, 2012 and Section 506 Part I read with Section 503 of Indian Penal Code, 1860 and has been, *inter alia*, sentenced to undergo rigorous imprisonment for 12 years.
3. Learned counsel submits that the appellant has a strong *prima facie* case on merits and the appeal is likely to succeed, as the conviction of the appellant rests entirely on circumstantial evidence. He contends that although



the incident is alleged to have occurred on 08.11.2016 at about 5:00 PM, it was reported only on 09.11.2016 at around 5:35 PM, and the unexplained delay in registration of the FIR itself raises a serious doubt about the credibility of the prosecution's version.

4. He further submits that even the FSL report reveals nothing incriminating against the appellant as no male DNA or semen could be detected on the samples, thereby casting a serious doubt on the allegations levelled by the prosecution.

5. Learned counsel for the appellant submits that on previous occasions, when the appellant was granted interim suspension of sentence; he duly surrendered on time and did not misuse the concession. Learned counsel urges that the appellant has already undergone more than half of the maximum sentence awarded to him, which fact also entitles him to seek suspension. It is contended that his further incarceration would cause serious hardship to his family, consisting of his aged parents, his wife and his infant child, all of whom are dependent on him as he is the sole breadwinner. He further submits that the appellant has deep roots in society and that there is no likelihood of his absconding.

6. Learned APP for the State, while vehemently opposing the present application, submits that appeal itself is *sans* merit and that the appellant stands convicted for a heinous offence under Section 6 of POSCO. He thus, submits that having regard to the nature of the offence, the manner in which it was committed, the present application of the appellant may be dismissed.

7. We have heard learned counsel for the appellant as well as learned APP for the State and have carefully perused the record.

8. The perusal of the Nominal Roll reveals that overall conduct of the



appellant in jail has been recorded as *Satisfactory*, wherein, he is working as *Jail Factory Sahayak*, earning wages and sending assistance to his family.

9. Keeping in mind the above-said aspects and particularly that the appellant has undergone more than half of the sentence awarded to him, the sentence awarded to the appellant is hereby suspended, on his furnishing personal bond in a sum of Rs. 25,000/-, with one surety in like amount, subject to the satisfaction of the learned Trial Court and further subject to the following conditions:

- i. Appellant shall not leave the country without prior permission of the learned Trial Court and shall surrender his passport, if any, before the learned Trial Court. In case, he does not possess any passport, he shall state so before the learned Trial Court, by way of affidavit.
- ii. Appellant shall provide his residential address, contact details and mobile numbers to the learned Trial Court. In case of any change in their residential address and other contact details, the appellant shall immediately intimate the learned Trial Court by way of an affidavit as well as to the concerned SHO/IO, so that as and when the appeal is taken up for hearing, he shall be duly intimated. Such contact details shall also be, in the same manner, furnished with the Registry of this Court and would form part of Appeal-Record.
- iii. Appellant shall not indulge in any criminal activity during the period of suspension of sentence.

10. Accordingly, the present application stands disposed of in aforesaid terms.

11. A copy of this Order be sent to learned Trial Court and the Jail Superintendent for information and necessary compliance.



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12. List in due course along with CRL.A. 682/2023.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

DECEMBER 10, 2025

yk/sa