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

+ CRL.A. 454/2024
MEHBOOB ALAM

.....Appellant

Through: Mr Sant Narayan Shukla, Mr
Amrendra Kumar Jha, Mr
Shivendra Singh, Ms Prakriti
Rastogi and Ms Aryama Singh
Rajput, Advocates

versus

STATE (NCT) OF DELHIRespondent

Through: Mr. Aman Usman, APP with
Mr. Manvendra Yadav and Mr.
Atiq Ur Rehman, Advocates
with Insp. Jai Prakash Nagar,
P.S.I.P.Estate.
Mr. Harsh Prabhakar,
DHCLSC, with Mr. Yash
Kotak, Mr. Shubham Sourav,
Advs. for the victim.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **25.03.2026**

CRL.M.(BAIL) 558/2026

1. The present application has been filed under section 389 of the Code of Criminal Procedure, 1908 [**Cr.P.C**] on behalf of the appellant, namely, Mehboob Alam, seeking interim suspension of sentence.

2. The captioned appeal has been preferred by the appellant seeking setting aside of the Judgment of Conviction dated 30th March



2024 [“**impugned judgment**”] and the Order on Sentence dated 06th May 2024, passed by the learned Additional Sessions Judge (FTC)-02, Central District, Tis Hazari Courts, New Delhi in Sessions Case No. 27451/2016, arising out of FIR No. 139/2011, registered at Police Station IP Estate. By virtue of the impugned judgment, the appellant along with other co-accused, namely Anadil Hasan and Raju Lal Jaat, were convicted for the offences punishable under Section 120B of the Indian Penal Code, 1860 [“**IPC**”] and Section 364-A read with 120B IPC. The appellant and co-accused namely Anadil Hasan were also convicted for offences punishable under Section 302 IPC read with 120B IPC, Section 394 IPC read with 120B IPC and Section 201 IPC read with Section 120B IPC. The appellant also challenges the Order on Sentence dated 06th May, 2024, by which the appellant has been sentenced, *inter alia*, to undergo the following sentences:-

S. No.	Offence	Substantive Sentence	Fine	Sentence in default of payment of fine
1.	Section 120-B IPC	Imprisonment for Life	Rs. 1,000	SI for 02 months
2.	Section 364A IPC read with Section 120-B IPC	Imprisonment for Life	Rs. 1,000/-	SI for 02 months
3.	Section 302 IPC read with Section 120-B IPC	Imprisonment for Life	Rs. 1,000/-	SI for 02 months
4.	Section 394 IPC read with Section 120-B IPC	Rigorous Imprisonment for Ten Years	Rs. 1,000/-	SI for 02 months
5.	Section 201 IPC read with	Rigorous Imprisonment	Rs. 1,000/-	SI for 02 months



	Section 120-B IPC	for Three Years		
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3. The learned counsel for the appellant submits that the appellant is the sole caretaker of his family, consisting of his ailing wife, two minor daughters aged about 4 years and almost 2 years, and his aged mother suffering from recurrent depressive disorder and other age-related ailments. It is further submitted that the appellant's wife is suffering from serious medical conditions including cervical spondylosis, low blood pressure, and Hepatitis-B, and has been advised prolonged rest by the doctors. In such circumstances, there is no other family member available to take care of the dependents, and the appellant's presence is indispensable for their well-being and medical support and also for arranging funds as the same cannot be done by the appellant while remaining in Judicial Custody.

4. It is further submitted that the appellant remained on regular bail for a substantial period during the trial and did not misuse the liberty granted to him. The appellant was also granted interim bail by this Court on 13.08.2024, which was extended till 15.09.2024, and he duly complied with the direction to surrender on 16.09.2024. It is further submitted that the appellant was again granted interim bail on 03.02.2025 for two weeks, which was extended vide order dated 17.02.2025, and upon completion of the said period, he surrendered on 28.02.2025 and has since remained in judicial custody. The conduct of the appellant during custody has been satisfactory, with no complaints or violations of jail rules reported against him.



5. The learned counsel further submits that the appellant has already undergone more than 10 years of incarceration and the appeal is not likely to be heard in the near future. It is contended that there exist material contradictions in the prosecution evidence, raising substantial grounds in appeal. In view of the grave family circumstances, prolonged custody, and absence of any likelihood of misuse of liberty, it is prayed that the sentence of the appellant be suspended on an interim basis.

6. The learned APP for the State submits that the verified copy of the X-ray report dated 09.03.2026 of Mrs. Rihana, aged 30 years, was obtained from Shiva Diagnostic Centre, Moradabad, and the prescription notes dated 10.03.2026 and 12.03.2026 were also procured from the concerned doctor, Dr. Raees Akhter of Rehmat Healthcare, Moradabad. It is also submitted that statements of neighbours, namely Md. Anis and Anees Ali, were recorded, who stated that Ms. Rihana resides with her two minor daughters and has no other family member to assist her in taking care of the children. It is further submitted that the verified medical documents and statements have been placed on record with the status report, and it is an admitted position that the appellant has been in custody for more than 10 years. He and Mr. Harsh Prabhakar, learned Advocate for the victim, however, submit that the ailments suffered by the wife of the appellant are not serious enough to deserve the suspension of sentence of the appellant.

7. Having considered the submissions advanced by the learned counsel for the appellant and the learned APP for the State, and the



learned counsel for the victim, and upon perusal of the material placed on record, this Court notes that the appellant has been in custody for more than 10 years. Upon perusal of the record, this Court further notes that interim bail was granted on earlier occasions by this Court and the same were extended also, which he duly complied with by surrendering within time and without any misuse of the liberty granted to him.

8. The verification conducted by the State, corroborates the medical condition of the appellant's wife and the absence of any other reliable family member to take care of her and the minor children, thereby substantiating the grounds urged by the appellant.

9. Without expressing any opinion on the merits of the case, this Court is of the view that the appellant has made out a case for grant of interim suspension of sentence on humanitarian grounds.

10. Hence, we are inclined to grant interim suspension of sentence of the appellant for a period of 45 days from the date of his release, subject to the following conditions:-

- i. The appellant shall furnish a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the learned Trial Court;
- ii. The Investigating Officer shall be informed of the address where the appellant would be residing in Muradabad. The appellant shall also intimate this Court, by way of an affidavit, and the Investigating Officer regarding any change in residential address, if any;
- iii. The appellant shall provide his mobile number to the



- Investigating Officer and keep the same operational at all times;
- iv. He shall report to the concerned SHO PS Kanth, Moradabad District, U.P. once in a week on Monday at 11 AM during the said 45 days period;
 - v. The appellant shall not leave the country without prior permission of this Court;
 - vi. The appellant shall not try to contact, threaten or intimidate any person connected with this case;
 - vii. The appellant shall surrender before the Jail Superintendent immediately upon expiry of the period of 45 days;
 - viii. In case of violation of any of the above conditions, the State shall be at liberty to seek cancellation of interim bail.
11. It is clarified that the aforesaid order has been passed purely on humanitarian grounds and may not be construed as an expression of opinion on the merits of the case.
12. The application accordingly stands disposed of.
13. Copy of this order be sent to the Jail Superintendent for information and compliance.

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14. List in due course.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

MARCH 25, 2026/na/ib/ik