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

+ CRL.A. 647/2025 & CRL.M.(BAIL) 1042/2025

SANAAY KUMAR

.....Appellant

Through: Mr. Arjun Malik, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Sunil Kumar Sahu

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

21.07.2025

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CRL.M.(BAIL) 1391/2025 (interim suspension of sentence)

1. By way of this application, the applicant/appellant seeks interim suspension of sentence for a period of 60 days during the pendency of the above-captioned criminal appeal.
2. The appellant herein was convicted in SC No. 655/2018, arising out of FIR No. 220/2013, registered for the offence under Sections 304/34 IPC at P.S. Begumpur, Delhi, vide judgment dated 16.01.2025 and order on sentence dated 01.03.2025, passed by the learned Trial Court. He was awarded rigorous imprisonment for a period of five years along with a fine of ₹50,000.
3. The learned counsel appearing on behalf of the appellant submits that the appellant has remained in judicial custody for about five months out of his total sentence of five years. It is submitted that the wife of the appellant



delivered a baby girl on 25.05.2025 and was discharged from the hospital the following day. However, she is stated to be physically weak and unable to take care of the newborn child, thereby requiring the support of the appellant, who is the sole breadwinner of the family and responsible for looking after his wife and their children.

4. It is pointed out that the appellant has two more children, aged about 15 and 12 years, who are also minors. Thus, the appellant's family consists of his wife and three minor children, and the existing children are not in a position to look after the needs of their mother or the newborn. In these circumstances, the learned counsel for the appellant states that the appellant has not yet seen his newborn daughter and, therefore, seeks interim suspension of sentence for a period of 60 days to enable him to care for his wife and the newborn child.

5. A status report has been filed and perused by this Court. As per the report, it stands verified that the appellant's wife gave birth to a baby girl on 25.05.2025 and was discharged the next day. It is also confirmed that the appellant has two other minor children aged about 15 and 12 years. The parents of the appellant are no more, whereas the mother of the appellant's wife – i.e., the maternal grandmother of the children – is available to look after the needs of the appellant's wife and the baby.

6. However, the learned counsel for the appellant contends that the presence of only the maternal grandmother is insufficient to meet the needs of the appellant's wife, which include not only physical and financial support but also emotional care, which only the husband can provide in such circumstances.

7. This Court has heard the submissions and perused the material on



record.

8. It is also revealed from the status report that in the year 2023, another FIR under Section 304 IPC was registered against the appellant, and he continues to remain in judicial custody in connection with the said case. It has been averred in the present application that if this Court is inclined to allow the instant application, the appellant shall move an appropriate application for interim bail in the said other case as well.

9. It is not disputed that the appellant's wife delivered a baby girl on 25.05.2025 and was discharged from the hospital the following day. The appellant has not seen his newborn child till date. The household presently comprises the appellant's wife, who is stated to be physically weak post-delivery, and their three minor children, aged about 15, 12, and the newborn, along with the elderly mother of the appellant's wife. In such circumstances, the presence of the appellant appears to be necessary to provide adequate support and care, both emotional and physical, to his wife and their children.

10. Therefore, the sentence awarded to the appellant is suspended for a period of 30 days from the date of his release, subject to his furnishing a personal bond in the sum of ₹15,000/- with one surety in the like amount to the satisfaction of the concerned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:

1. The appellant shall share his mobile number with the SHO concerned and shall keep it active and reachable at all times.
2. He shall report to the SHO of the local police station once every week during the period of interim suspension.
3. The appellant shall not leave the territorial limits of Delhi without prior permission of this Court, and shall not indulge in any



criminal activity during the period of interim suspension of sentence.

4. He shall surrender immediately before the concerned Jail Superintended on the expiry of the period of interim suspension of sentence.

11. The application is disposed of in above terms.

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12. List on 15.10.2025.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 21, 2025/vc