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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 662/2023**
MUKESH ANTILAppellant
Through: Mr. Haneef Mohammad, Mr. R.K.
Tanwar and Mr. Ujjwal Kumar, Advs.
versus

THE STATERespondent
Through: Mr. Yudhvir Singh Chauhan, APP.
SI Hamkesh Meena, PS Mahendra
Park.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
02.12.2025

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CRL. M. (BAIL) 2310/2025

1. The present appeal has been preferred by the appellant seeking quashing/setting aside of the impugned Judgment dated 28.02.2023 and Order on Sentence dated 24.05.2023, passed by learned Trial Court in Sessions Case No. 125/2017 in FIR No. 539/2016, under Section 302 IPC, registered at Police Station Mahendra Park, Delhi, whereby appellant has been held guilty and has been, *inter alia*, sentenced to undergo Imprisonment for life.
2. *Vide* this application, the appellant is seeking *interim* suspension of his sentence for a period of 2 months.
3. Mr. Haneef Mohammad, learned counsel for the appellant submits that the appellant has already undergone substantial incarceration of approximately seven years and has clean antecedents. It is contended that the case of the prosecution rests on circumstantial evidence and that the "last seen" theory does not hold much weight in the present matter, as the



appellant, being father of the deceased, was residing with them and, therefore, his presence in the house was natural.

4. He submits that there is no likelihood of accused absconding. It is further submitted that the widowed sister of the appellant is suffering from severe joint pain and is unable to walk, and on account of the said medical condition she is undergoing treatment and may even require surgery.

5. Learned APP for the State submits that the medical documents relating to the sister of the appellant have been duly verified. However, opposing the present application, he submits that the appellant stands convicted for a heinous offence of murder.

6. We have heard the learned counsel for the appellant and the learned APP for the State and have perused the record.

7. The perusal of the Nominal Roll reveals that the appellant has undergone incarceration for around 7 years and his conduct in jail has been satisfactory where he is working as *Sahayak* in the Record Room.

8. The perusal of Affidavit filed on behalf of appellant dated 24.09.2025, reveals that he has no other complicity in any other criminal matter.

9. Keeping in view the aforesaid circumstances, including the period of incarceration already undergone by the appellant and the fact that he is not stated to be involved in any other criminal case, the sentence awarded to the appellant shall stand suspended with effect from the date of his release for a period of two months, subject to him furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court. The appellant shall also remain bound by 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.

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. In view of the order passed today, learned counsel for the appellant seeks to withdraw the present application with liberty to file afresh at later stage.

13. Accordingly, the application stands dismissed as withdrawn.

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14. List in due course.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

DECEMBER 2, 2025/r/nc