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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ CRL.A. 225/2021 & CRL.M.(BAIL) 987/2021, 1462/2024

MINTAAZ

.....Appellant

Through: Mr. Sunil Choudhary, Adv.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP.

Inspector Mukesh Kumar, WSI
Sushma, PS Uttam Nagar.

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+ CRL.A. 682/2023 & CRL.M.A. 22746/2023

STATE

.....Appellant

Through: Mr. Aman Usman, APP.

Inspector Mukesh Kumar, WSI
Sushma, PS Uttam Nagar.

versus

MINTAAZ

.....Respondent

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% 05.11.2024

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 1462/2024 (for interim suspension of sentence) in CRL.A. 225/2021

2. This is an application filed by the Appellant/Applicant- Mintaaz under Section 389 of the Cr.P.C. seeking interim suspension of sentence and release of Appellant on bail for a period of six weeks for the purpose of constructing



an additional room for his immediate family in his house at Village Baghauch, District Gopalganj, Bihar.

3. The Appellant/Applicant is stated to have undergone over five years in judicial custody. The Court has perused the status report dated 4th November, 2024 under the signatures of SHO, P.S. Uttam Nagar which shows that the father of the Appellant/Applicant i.e., Rozadin is available to carry out the necessary construction of the room, and the finances for the same are also being provided by the father.

4. In addition, it is noticed that the Appellant/Applicant was already granted interim suspension on three prior occasions by this Court vide orders dated 23rd January, 2023, 16th May, 2023 and 24th January, 2024 respectively. On one occasion the interim suspension of sentence granted vide order dated 23rd January, 2023 was not availed of by the Appellant due to inability to furnish surety. It is also observed that, *vide* order dated 24th January, 2024, one of the conditions imposed was that the Appellant would not leave the Delhi-NCR region during the period of interim suspension of sentence, as the family was living in Delhi.

5. Considering the fact that now the Appellant wishes to travel outside Delhi and the fact that there are other members of the family who are available for constructing the additional room at his house, the Court is not inclined to grant interim suspension of sentence.

6. The application is disposed of accordingly.

CRL.A. 225/2021 & CRL.M.(BAIL) 987/2021 (for regular suspension of sentence)

CRL.A. 682/2023 & CRL.M.A. 22746/2023 (for condonation of delay)

7. Let Mr. Sunil Choudhary, Id. Counsel appearing for the Appellant in



CRL.A. 225/2021 be also assigned **CRL. A. 682/2023** so that he can assist the Court on the next date of hearing.

8. Mr. Aman Usman, ld. APP for the State shall hand over the copy of the appeal paper book in **CRL. A. 682/2023** to Mr. Choudhary, ld. Counsel for the Appellant.

9. Let a reply to **CRL.M.A. 22746/2023** seeking condonation of delay in **CRL.A. 682/2023** be filed by the Respondent by the next date of hearing.

10. List on 6th February, 2025.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

NOVEMBER 05, 2024

dj/sc/ms