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

+ **CRL.A. 780/2024**

SURENDER & ANR.

.....Appellants

Through: Mr. Jagat Singh Baasta and Mr.
Nishant Choudhary, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for the
State with SI Onkar, PS - Badarpur.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **02.09.2024**

CRL.M.(BAIL) 1414/2024

1. Counsel for the appellants states that they are not seeking any suspension of sentence of the brother at this stage though his application being CRL.M.(BAIL) 1414/2024 is on record.
2. Considering the circumstances noted above, counsel for the appellant Surender seeks liberty to withdraw the said application and apply afresh at a subsequent stage.
3. The application is, accordingly, dismissed as withdrawn with liberty as prayed for.

CRL.M.(BAIL) 1436/2024

4. This application has been filed seeking regular suspension of sentence during the disposal of the appeal.



5. However, counsel for the appellants, on instructions, has stated that at present moment, they are seeking interim suspension of sentence since the appellant Mohini underwent 20 weeks of pregnancy.

6. The medical status report requisitioned by the Court confirms the same. Although the medical status report states that she is getting regular follow up and her vitals are stable, counsel for the appellants states that earlier she had twins in June, 2023 and was under supervision of the private hospital and had to go through a *caesarean section*. He further states that in his *e-mulaqat* with the petitioner, she stated that she was not feeling well and was quite uncomfortable.

7. It is stated by the counsel for she will be resident at her residence at A-41, Gali No. 1, Tajpur Road, Molar Band Extension, Badarpur, New Delhi. The appellant was convicted in FIR 499/2015 registered at Police Station Badarpur under Sections 376/2M/342 IPC and Sections 6/7 POCSO Act. The appellant no.1/Surender, who is the brother of the appellant no.2 Mohini has also been convicted and in custody.

8. In these circumstances, for her to get proper care and diagnosis, this Court is inclined to grant interim suspension of sentence to the petitioner for a period of four weeks from the date of release on furnishing a personal bond in the sum of Rs.25,000 /- with one surety of the like amount subject to the satisfaction of the Trial Court/CMM/Duty Magistrate, further subject to the following conditions:

- i. Appellant will not leave the country without prior permission of the Court.
- ii. Appellant shall provide permanent address to the Trial Court/CMM/Duty Magistrate. The appellant shall intimate the Court by way



of an affidavit and to the IO regarding any change in residential address.

iii. Appellant shall provide all mobile numbers to the Trial Court/CMM/Duty Magistrate concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation.

iv. Appellant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the victim/complainant or any member of the victim/complainant's family or tamper with the evidence of the case.

9. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

10. List on 30th September, 2024.

11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 02, 2024/kd

[Click here to check corrigendum, if any](#)