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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 133/2022**
IMRANAppellant

Through: Mr. Deepanshu Goswami, Ms. Kirti Chauhan, Mr. Rohu Sahrawat and Ms. Himanshi Goswami, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Sunil Kumar Gautam, APP for State.
Mr. Archit Upadhyay, Advocate (DHCLSC) for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
24.01.2025

CRL.M.(BAIL) 32/2025 (seeking grant of interim suspension of sentence)

1. The Prosecutrix is represented by her father as well as by Mr. Archit Upadhyay, counsel representing from DHCLSC.
2. Through this application, the Applicant seeks grant of interim suspension of sentence in respect of judgment of conviction dated 17th November, 2021 and sentence order dated 18th January, 2022. The said orders were passed pursuant to FIR No. 422/2017 under Sections 4/8 of the



Protection of Children from Sexual Offences Act, 2012¹ and Sections 376/354/506 of the Indian Penal Code, 1860, registered at P.S. Mehrauli.

3. As per Nominal Roll dated 14th January, 2025, the Applicant has already undergone sentence for a period of 5 years 11 months and 12 days.

4. The present appeal is pending consideration and was admitted on ---.

5. The Applicant seeks suspension of sentence on the ground of his wife's surgery scheduled to be performed on 29th January, 2025. The factum of the need of the said surgery, has been confirmed by the State.

6. However, it is pointed out that when the Applicant was previously granted interim bail from 17th June, 2023 to 16th July, 2023 by this Court, the Applicant did not surrender on the date fixed.

7. In response, counsel for Petitioner, acknowledges this lapse on his part, however submits that the need of the Applicant is critical as there is nobody else in the family to take care of his wife. He submits that this Court may impose stringent conditions, if so required so that the Applicant can be given an opportunity to attend his wife at this critical juncture.

8. Considering the overall circumstances of the case, the request for suspension of sentence for 30 days is allowed.

9. In view of the foregoing, there shall be interim suspension of sentence for a period of 30 days from the date of release of the Applicant. The Applicant is directed to be released on interim bail for a period of 30 days, on furnishing a bail bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Jail Superintendent/Trial Court/ Duty MM on the following conditions:

(a) The Applicant shall surrender before the Jail Superintendent/Trial

¹ "POCSO"



Court/ Duty MM, on or before the expiry of 30 days from the date of release;

(b) The Applicant shall, under no circumstance, leave the NCT of Delhi, without permission of the Trial Court, during the period of his release;

(c) The Applicant shall not contact the Prosecutrix or any of her family members;

(d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;

(e) The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;

(f) The Applicant shall not reside within 3 km radius of the residence of the Prosecutrix and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the Prosecutrix in any manner.

(g) The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

(h) The Applicant shall report to the concerned P.S. and meet the I.O. on every Monday at 02:00 PM during this period and shall positively surrender on the date fixed;

(i) The Applicant, during the period of his release, shall surrender his passport, if any, before the concerned Trial Court, and shall under no circumstances, leave the country without the permission of the Trial Court;

(j) The Applicant shall not commit any offence during the period of his release.



10. With the above directions, the present application is disposed of.
11. Copy of this order be also sent to Delhi High Court Legal Services Authority.

SANJEEV NARULA, J

JANUARY 24, 2025/as