



2026:DHC:4157



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

% *Judgment Reserved on: 07.05.2026*
Judgment pronounced on: 12.05.2026

+ **CRL.A. 1195/2019**

RAJAN

.....Appellant

Through: Mr. Shannu Baghel, Ms. Sonam Tomar and Mr. Ganpat Ram, Advocates along with appellant's wife in person.

versus

STATE

.....Respondent

Through: Mr. Utkarsh, APP for the State. Mr. Harsh Prabhakar, Advocate (DHCLSC) with Mr. Dhruv Chaudhary, Mr. Shubham Sourav and Mr. Vijit Singh, Advocates for victim

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

CRL.M.(BAIL) 920/2026 in CRL.A. 1195/2019

1. This application under Section 389 of the Code of Criminal Procedure (the Cr.PC.) has been filed by the appellant,



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accused No. 1 (A1), in SC No.1345/2016 on the file of the Additional Sessions Judge (ASJ-07, POCSO), Special Court, South-East District, Saket Courts, New Delhi, seeking interim suspension of sentence for 8 weeks to enable him to attend and take care of his mother during her surgery scheduled on 09.05.2026 and her post operative surgery.

2. As per the impugned judgment dated 30.08.2019, the applicant/appellant herein has been found guilty of the offences punishable under Sections 376(2)(g), 342, 506 read with 34 of the Indian Penal Code, 1860 (the IPC). *Vide* the order on sentence dated 07.09.2019, he has been sentenced to undergo rigorous imprisonment for a period of 20 years and fine of ₹30,000 and in default of payment of fine, simple imprisonment of 1 year for the offence punishable under Section 376(2)(g) IPC; simple imprisonment of 1 year for the offence punishable under Section 342 IPC read with 34 IPC and simple imprisonment of 2 years for



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the offence punishable under Section 506 IPC. The sentences have been directed to run concurrently. Hence, the maximum period of imprisonment to be served is twenty years.

3. The prosecution case is that on the intervening night of 21.06.2010 and 22.06.2010, at House No. RZ-316, Tughlakabad Extension, New Delhi, accused no. 1/appellant herein along with accused no. 2, criminally intimidated and, wrongfully confined the victim aged 14 years old and then committed gang rape on her.

4. It was submitted by the learned counsel for the applicant/appellant that the applicant's mother is suffering from gall bladder stone/cholelithiasis and her surgery is scheduled to be done on 09.05.2026. He is the only son and there is no other effective family support available to attend to her during the pre-operative and post-operative period. Annexure A-1, establishes the seriousness of the applicant/appellant's mother's condition and the urgency of his presence.



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5. The application is opposed by the learned Additional Public Prosecutor (APP), who submitted that no sufficient grounds have been made out by the appellant in this application and that the appellant has been repeatedly seeking the relief of interim suspension on similar grounds. The learned Additional Public Prosecutor drew the attention of this Court to the various applications moved by the applicant/appellant and the orders thereon. Hence, it was submitted that there is no bona fides in the present application and so the same is liable to be dismissed with costs.

6. Heard both sides.

7. In order to dispose the application on hand, it is necessary to refer to the earlier applications moved and the orders passed on the same. CRL.M.B. No.1831/2019, the application moved for regular suspension along with the appeal is seen dismissed by order dated 17.10.2019. Immediately thereafter, that is on



14.11.2019, CRL.M.B.2032/2019, the first application seeking interim bail for eight weeks was moved. Paragraph 2 of the said application reads thus:

“That the mother of the appellant is suffering from cholecystitis with cholelithiasis with hepatomegaly fatty liver with contracted kidney RT with small renal calculus RT. The doctors of HAMDARD INSTITUTE OF MEDICAL SCIENCE AND RESEARCH, HAMDARD NAGAR, NEW DELHI has suggested her Lap/open cholecystectomy cholelithiasis for 29.11.2019 in the Hospital HAMDARD INSTITUTE OF MEDICAL SCIENCE AND RESEARCH, HAMDARD NAGAR, NEW DELHI which is essential for saving her life. The Medical documents are annexed herewith as Annexure A-l(Colly)”

Prayer “a)” in the said application reads thus:

“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a) suspend the sentence of the appellant for a period of 8 weeks so that the appellant can look after his ailing mother before operation and after operation in the interest of justice.”



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7.1 The sentence of the applicant/appellant was suspended for a period of two weeks *vide* order dated 25.11.2019. *Vide* order dated 11.12.2019, the bail granted to the applicant/appellant on 25.11.2019 was extended till 15.01.2020 on the same terms and conditions.

8. The next application seen moved is CRL.M.B. 343/2020 which is dated 12.02.2020. In the said application, it was alleged that during the interim bail period, the applicant/appellant got married on 11.01.2020. As he has the responsibility of looking after his widowed mother and one unmarried sister, suspension of the sentence was sought for. When the application came up for consideration, after some arguments, the application was withdrawn and hence the same was dismissed by order dated 01.06.2020.

9. CRL.M.B. 6433/2020 was filed on 30.05.2020 seeking interim suspension for four weeks alleging that he needs “*to look*



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after his old ailing mother and to provide with basic essentials food supplies and amenities in the interest of justice.”

9.1 As per order dated 01.07.2020, the application was dismissed taking into account the nature of the offences committed and also the status report revealing the medical condition of his mother.

10. CRL.M.B.7438/2020 filed on 30.05.2020 again sought for interim suspension for four weeks to enable the applicant/appellant *“to look after his old ailing mother and to provide with basic essentials food supplies and amenities in the interest of justice.”* This application was also dismissed as per order dated 01.07.2020. However, the applicant/appellant moved CRL.M.A.9454/2020 for modification of the order dated 01.07.2020. It was submitted that the regular bail application had already been dismissed as withdrawn *vide* order dated 01.06.2020 and that the same had not been listed on 01.07.2020 and hence the



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portion of the order dated 01.07.2020 to the effect that the regular bail application also stands dismissed requires to be modified. On the submissions made by the learned counsel for the applicant/appellant, the order dated 01.07.2020 was modified on 17.07.2020 to the effect that only the interim bail application was dismissed by order dated 01.07.2020.

11. CRL.M.B. 7786/2020 was filed on 22.07.2020 seeking interim suspension for a period of eight weeks to enable the applicant/appellant *“to look after his old ailing mother before operation and after operation in the interest of justice.”* Paragraph 2 of the application reads thus:

“That the mother of the appellant is suffering from cholecystitis with cholelithiasis with hepatomegaly fatty liver with contracted kidney RT with small renal calculus RT. The doctors of HAMDARD INSTITUTE OF MEDICAL SCIENCE AND RESEARCH, HAMDARD NAGAR, NEW DELHI had suggested her lap/open cholecystectomy cholelithiasis for 28.07.2020 in the Hospital HAMDARD INSTITUTE OF MEDICAL SCIENCE



AND RESEARCH, HAMDARD NAGAR, NEW DELHI but the operation of mother of appellant was not conducted on 28.07.2020 due to high blood, sugar level and now it will be conducted on 04.08.2020 which is essential for saving her life. The medical documents are annexed herewith as Annexure A-1 (Colly)”

11.1 As per order dated 26.08.2020, interim suspension was granted for a period of 20 days. So, he was bound to surrender by 15.09.2020. On the next hearing date, that is, on 20.05.2021, CRL.M.B. 673/2021 filed on 21.05.2021 came up for consideration. Paragraph 4 of the application reads thus:

*“That the appellant/applicant by way of instant application needs to come out of jail on urgent and interim basis as his wife is in her 6th month of pregnancy and the presence of the appellant is very much required to take care of his wife. The appellant is required to arrange money as well as arrange a good and safe hospital for the safe delivery of his wife during this pandemic. A copy of the medical documents of appellant’s wife is annexed herewith as **Annexure A1.**”*

11.2 On the said day it was noticed by the Court that the applicant/appellant had not surrendered after the expiry of 20 days



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of interim bail granted as per order dated 26.08.2020. On 06.08.2021 CRL.M.B.673/2021 again came up for consideration. On the said day, this Court granted interim suspension for a period of 60 days. On the next hearing date on 29.11.2021 it was noticed that the applicant/appellant after the expiry of the interim bail granted on 10.08.2021 did not surrender though he was to surrender on 20.11.2021. Hence, non-bailable warrants were issued. On 31.03.2022, the appellant was arrested and produced before this Court.

12. CRL.M.B.690/2022 was filed on 18.05.2022 seeking suspension of sentence. This application was dismissed as per order dated 06.07.2023.

13. CRL.M.B.1293/2022 was filed on 15.10.2022 seeking interim suspension for a period of eight weeks. Paragraph 2 of the application reads thus:



“That the appellant is the only male member in the family whose father has already been expired and his widow mother and wife are the only matured lady members who are very religious. A female baby namely Lavya was born on 21.10.2021 and on 21.10.2022, it is the 1st birth anniversary of the daughter of the appellant and as per the family customs, the presence of father is must on the occasion of religious celebrating the 1st birth anniversary in which near and dears as well as close relatives are being invited and some gift and articles are being exchanged and the whole celebration is being celebrated for about 10 days as per the custom of the family of the appellant. The documents with respect to the birth of the daughter of the appellant and invitation documents are annexed herewith the application/petition as Annexure A-1 (Colly).”

Prayer “a)” reads thus:

“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a) suspend the sentence of the appellant for a period of 8 weeks so that the appellant can make all essential arrangements for the performance of 1st birth anniversary of the birth of his daughter, in the interest of justice.”



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13.1 This application came up for consideration on 19.10.2022. Permission was sought to withdraw the application, hence the same was dismissed as withdrawn.

14. The next application seen filed is CRL.M.B.780/2023 dated 15.05.2023 seeking interim suspension for eight weeks.

Paragraph 8 reads thus:

“That the appellant’s presence is also essential for the financial and other related arrangements’ for his family as his widow is suffering from multiple diseases and for his minor daughter who is about 1 ½ year of her age.”

Prayer “a)” reads thus:

“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a) suspend the sentence and grant interim bail to the appellant for a period of 8 weeks so that the appellant can make interaction with his family and also make all essential arrangements for his family for their livelihood and payment of rented accommodation as described above, in the interest of justice,”



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14.1 As per order dated 06.07.2023, the application was allowed and interim suspension was granted for a period of eight weeks.

15. The next application seen filed is CRL.M.B.1499/2023 dated 17.10.2023 seeking interim suspension for a period of eight weeks.

Paragraph 2 reads thus:

“That the mother of the appellant is suffering from cholecystitis. The doctors of DR. RAM MAHOHAR LOHIA HOSPITAL, NEW DELHI-110001, advised the ailing mother of the appellant for her admission on 06.11.2023 in the hospital and date for open cholecystectomy/cholelithiasis surgery is fixed for 09.11.2023, but due to unavailability of sufficient funds on the part of the widow ailing mother of the appellant, the operation would not be possible as suggested above by the doctors of the above said hospital for 09.11.2023. (Medical certificates are annexed). The operation is very much essential for saving the life of the widow ailing mother of the appellant. The medical documents are Annexure A-1 (Colly)”

Prayer “a)” reads thus:



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“It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to:

a) suspend the sentence and grant the interim bail of the appellant for a period of 8 weeks so that the appellant can arrange the sufficient funds for the operation of his widow and ailing mother before operation and after operational in the interest of justice.”

15.1 This application was allowed as per order dated 10.11.2023 and interim suspension was granted for a period of four weeks. On 07.12.2023, the interim bail was extended. On 12.12.2023, the interim bail was again extended for a further period of four weeks.

16. CRL.M.B. 514/2024 was filed on 20.03.2024 for suspension of the sentence. Though the prayer was for regular suspension of sentence this Court as per order dated 28.10.2024 granted interim suspension till the next date of hearing i.e. on 09.01.2025. On 09.01.2025 when the matter was taken up the applicant/appellant had not surrendered. On the other hand, the



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learned counsel for the applicant/appellant undertook that he would surrender within a period of four weeks from 09.01.2025.

17. On 03.02.2025, CRL.M.B. 236/2025 came up for consideration. The said application was filed on 30.01.2025 seeking extension of interim suspension for a period of three weeks for completing the formalities relating to the admission of his child in the school. On 03.02.2025, the interim suspension was again extended till 12.02.2025. On 12.02.2025, the interim order was extended till the next date of hearing. On 19.02.2025 when the matter came up for consideration this Court directed the applicant/appellant to surrender by 20.02.2025.

18. CRL.M.B. 1770/2025 was filed on 18.08.2025 seeking interim suspension for a period of eight weeks.

Prayer “a)” reads thus:

“It is therefore most respectfully prayed that this Hon’ble Court may kindly be pleased to:



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a) suspend the sentence and grant interim bail to the appellant for a period of 8 weeks so that the appellant can make interaction with his family and also make all essential arrangements for his family for their livelihood and payment of rented accommodation as described above, in the interest of justice,”

18.1 When this application came up for consideration on 21.08.2025, the same was not pressed. Hence, the same was dismissed.

19. The next application CRL.M.B.2086/2025 was filed on 03.10.2025. On 01.12.2025, when the application was taken up for consideration, it was submitted that the application was moved only because the co-accused had been granted suspension. *Vide* order dated 01.12.2025, the application was dismissed.

20. The next application, CRL.M.B.389/2026 was filed on 05.02.2026. In this application, the applicant again sought suspension of sentence for a period of 8 weeks on the ground that the appellant needs to interact with his family, make necessary



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financial arrangements and that he is the only son of his parent.

The prayer (a) of the application is as follows:

“(a) Suspend the sentence and grant interim bail to the appellant for a period of 8 weeks so that the appellant can make interaction with his family and also make all essential and financial and other related arrangements for his family for their livelihood and payment of rented accommodation as described above in the interest of justice”

20.1 *Vide* order dated 19.02.2026, this application was dismissed.

21. The present application is the last in the series of the applications filed by the appellant/accused. The allegation in the present application is that the mother of the appellant has been diagnosed with *“gall bladder stones (cholelithiasis) and has been advised surgery which is scheduled for 09.05.2026. The said surgery is time-bound and cannot be deferred without risk to her health”*. However, the report of the Medical Superintendent says that the admission of the appellant’s mother has been tentatively



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fixed on 09.06.2026 and that the operation would be performed on 12.06.2026, provided that prior to the surgery her parameters are normal and cleared by the anesthesia department. Here, it would be apposite to refer to the order dated 05.08.2020 in CRL.M.(BAIL)7786/2020, which was also filed on the same ground. A Status Report was submitted as per which it was reported that before the surgery, though the mother of the appellant was required to undergo necessary tests, she never underwent the same. It was further reported that on the insistence of the mother of the appellant, she was admitted in the hospital and that when it came to the knowledge of the doctor concerned that the patient had not undergone the requisite tests, her admission was cancelled and she was advised to go home. When this fact came to the notice of the court, the learned counsel for the appellant submitted that his mother would undergo the required tests and a fresh date of surgery would be sought. Further, *vide* order dated 10.11.2023, interim suspension was granted for four weeks on the ground that



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his mother's gall bladder surgery was scheduled on 09.11.2023. However, after completion of the four weeks granted, on 07.12.2023 it was submitted on behalf of the appellant that the surgery could not be conducted as the vitals of his mother were not normal. It was submitted that the doctor had advised the patient to take medicines which are expensive medicines for which funds had to be arranged by the appellant. On the said ground, the interim bail granted *vide* order dated 10.11.2023 was again extended on the same terms and conditions.

22. Therefore, the strategy seems to be to somehow get an interim order of suspension and thereafter keep seeking for extension on the ground that the surgery could not be conducted. From the aforesaid materials, it is apparent that since 2019 the appellant has been repeatedly seeking interim suspension on the ground that he needs to take care of his ailing mother during the pre-operative and post-operative period of her gall bladder surgery.



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The appellant/accused succeeded many a time in getting favorable orders also. It appears that the applicant/appellant/accused is trying his luck by filing successive applications. When he finds that the court is not inclined to allow the same, he withdraws the same and after a short interval comes up with another application. It is also seen that on early occasions, he had never surrendered in time. This is nothing but a clear abuse of the process of the court.

23. As noticed earlier, the prosecution case is that the appellant/accused along with the co-accused had committed gang rape on the victim. Therefore, taking into account the gravity of the offences committed as well his earlier conduct, I find no *bona fides* in the application filed.

24. In the result, the application is dismissed with costs of ₹25,000/- which shall be deposited before the 'Delhi High Court Legal Services Committee' within one month from the date of this order.



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25. List on 13.07.2026, the date already fixed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

MAY 12, 2026

Rs/mj