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

+ BAIL APPLN. 4045/2025, CRL.M.A. 31461/2025, CRL.M.A.
31462/2025

NAINA ALIAS MAINA

.....Petitioner

Through: Mr. Rahul Sharma, Mr. Sujit Kumar,
Mr. Rohit Singh, Mr. Prince Kumar
and Mr. Prashant Vaibhav,
Advocates.

versus

THE STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **17.10.2025**

1. The Applicant is implicated in case FIR No. 227/2024 dated 19th May, 2025, registered at P.S. Uttam Nagar under Sections 302 and 34 of Indian Penal Code, 1860¹.
2. The Applicant was initially granted interim bail by the Trial Court on 1st September, 2025, for a period of 15 days, on humanitarian grounds, to enable her to care for her two minor children and support her family following the collapse of their residence, a fact which was confirmed by the Investigating Officer.
3. Thereafter, on 16th September, 2025, the Trial Court, while extending the bail granted to the Applicant by 30 days, passed the following order:

"1. It is submitted by the Ld. counsel for the applicants /accused

¹ "IPC"



persons that applicants / accused persons are innocent person and has been falsely implicated in the present case. It is further submitted by the Ld. counsel for the applicant/accused that on 15.09.2025 at about 11:00 a.m, applicant / accused Naina @ Maina has been bitten by a snake, which resulted in a critical medical emergency and was immediately rushed to nursing home from where she was advised to go to Deen Dayal Upadhyaya Hospital. It is further submitted by Ld. counsel for the applicants / accused persons that applicant/ accused Naina @ Maina is in unconscious and critical condition and is undergoing treatment and is unable to surrender before the Court. It is further submitted by Ld. counsel for the applicants/accused persons that applicant / accused Rahul is the legally wedded husband of the co-accused Naina @ Maina, who is also an accused in the present matter. It is further submitted by Ld. counsel for the applicants / accused persons that the applicant / accused Naina @ Maina will require continuous hospitalization and intensive medical care and it is opined that full recovery will take at least 45 days and the presence of her husband/co-accused Rahul is also required and hence, it is requested that present applications be allowed and interim bail of the applicants / accused persons be extended for a period of 45 days.

2. On the other hand, Ld. Addl. PP for the state has argued on the present applications and opposed the same.

3. The present applicants accused persons are claiming further extension of interim bail on the ground that applicant/accused Naina @ Maina has been bitten by a venomous snake and being husband of Naina @ Maina, the presence of applicant/accused Rahul is required to take care of his wife. Reply has not been filed by the 10, however, I have seen the documents annexed with the application wherein the ground for extension of interim bail is found to be genuine. In view of the facts and circumstances of the case and on humanitarian grounds. interim bail of both accused persons were extended, the interim bail of applicant/accused Naina @ Maina is extended for a period of 30 days and interim bail of applicant / accused Rahul is extended for a period of 15 days on the same terms and conditions. It is made clear that no further application for regular bail / extension of bail of applicants / accused persons would be entertained without surrendering before the Court.

4. Accused persons are directed to surrender before Jail Superintendent/before this Court on the expiry of period of interim bail. Both applications stand disposed of accordingly.

5. Re-notify the matter for the date already fixed i.e 18.10.2025. Copy of this order be given dasti to Ld. counsel for the applicants / accused persons. Copy of this order be also sent to Jail Superintendent for information and compliance.”

4. On 16th October, 2025, the Applicant again sought extension of



interim bail. However, the Trial Court dismissed the application, observing that despite clear directions in the previous orders requiring surrender before seeking further relief, the Applicant had failed to comply with the same.

5. Aggrieved by the dismissal, the Applicant has approached this Court by way of the present petition under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023² (corresponding to Sections 439 and 482 of the Code of Criminal Procedure, 1973³), seeking further extension of the interim bail.

6. The Applicant submits that her medical condition continues to remain precarious as a result of complications from the snake bite. It is submitted that her physical condition makes her medically unfit to surrender at this stage.

7. The Court has considered the aforementioned facts and submissions. The medical condition cited by the Applicant has previously been acknowledged as serious, and the circumstances surrounding her health *prima facie* remain unchanged.

8. While the Court is not unmindful of the specific directions issued by the Trial Court in its earlier orders, which required the Applicant to surrender before seeking further extension, it is equally well-settled that such procedural stipulations must yield in exceptional cases where refusal to exercise jurisdiction may result in undue hardship or injustice. The circumstances placed before the Court, when viewed in the context of the earlier orders, warrant limited indulgence in the interest of justice.

9. In view of the foregoing, the interim bail granted to the Applicant is

² “BNSS”

³ “CrPC”



extended for a further period of 14 days, on the same terms and conditions as imposed earlier by the Trial Court.

10. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

11. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and shall also not be taken as an expression of opinion on the merits of the case.

12. Accordingly, the application is disposed of along with the pending applications.

SANJEEV NARULA, J

OCTOBER 17, 2025

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