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

+ **BAIL APPLN. 803/2026**

SHAMSHER @ RAJEEV

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State with W/SI Seema Bhati
Ms. Arushi Anthwal, Advocate for
victim

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **11.03.2026**

CRL.M.A. 7125/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 7124/2026 (early hearing)

3. By way of the present application, the applicant seeks early hearing of the above-captioned bail application.
4. For the reasons mentioned in the application, the prayer made in the application is allowed and the above-captioned bail application is taken up for hearing today itself.
5. The present application stands disposed of.
6. The next date of hearing i.e., 28.03.2026 stands cancelled.



BAIL APPLN. 803/2026

7. By way of the present application, the applicant seeks grant of interim bail for a period of 45 days in case arising out of FIR bearing No. 228/2022, registered at Police Station Tigri, Delhi for the commission of offence punishable under Sections 354/370/376/120B/500 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Sections 6/8/10 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*').

8. The learned counsel appearing on behalf of the applicant states that the applicant has been advised surgery which is scheduled for 16.03.2026 and has also been advised rest post-surgery. It is further submitted that the applicant was earlier granted interim bail on (i) 16.01.2026 for a period of one month, and (ii) 16.02.2026 for a period of two weeks, and he had duly surrendered upon expiry of the said period without any violation. Therefore, it is prayed that interim bail be granted to the applicant.

9. The learned counsel appearing on behalf of the victim opposes the present bail application.

10. The verification report has been filed by the State wherein it is stated that the petitioner herein has been advised to undergo surgery on 16.03.2026 and he requires rest for about two weeks to resume normal activities.

11. The medical documents tendered by Sir Ganga Ram Hospital, Delhi reveals that the applicant herein is suffering from following ailments:

- “1. The above-named patient, Shamsher Kumar (Hospital Registration number 3683356) visited our Outpatient Department on 21.01.2026
2. He was being treated for painful defecation with intermittent bleeding per rectum. Diagnosis- Fissure in ano.
3. The advice/recommendations given by the concerned doctor(s) included conservative treatment for 1 month followed by surgery at 1 month or earlier if the condition worsens.
4. The following surgery was advised: Evaluation under anesthesia and



proceed for Lateral Internal Anal Sphincterotomy if the symptoms worsen.

5. The estimated duration required for completion of the advised treatment - The conservative treatment to be taken at his place of residence for 1 month as prescribed in the OPD slip and to review for surgery after 1 month i.e. expected on 21 February 2026 and to decide if the patient need surgery which would require 2 days of hospital stay.
6. The expected recovery period and approximate time required to resume normal activities - 2 weeks if in case of surgical intervention....”

12. Having considered the records of the case as well as the medical documents placed on record, also considering the fact that the victim has already examined in this case and keeping in mind the period of custody undergone by the accused, this Court is inclined to grant interim bail to the applicant for a period of one (01) month from the date of his release, subject to following conditions:

- I. The applicant shall furnish a personal bond in the sum of Rs.25,000/- with one surety of the like amount, to the satisfaction of the concerned Jail Superintendent.
 - II. The applicant shall surrender his passport, and will not leave the country during this period.
 - III. The applicant shall also provide his mobile number to the Jail Superintendent, as well as I.O./S.H.O. concerned, which shall be kept operational at all times.
 - IV. The applicant shall immediately surrender after the expiry of the period of interim bail before the concerned jail authority.
 - V. The applicant shall not approach the victim or other witnesses and shall not indulge in any criminal activity during the period of interim bail.
13. Accordingly, the present interim bail application stands disposed of.



14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 11, 2026/ns

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