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

+ **CRL.M.C. 2100/2026**

SANDEEP @ KALA @ KALE @ SONU @ SINOTHIA

.....Petitioner

Through: Mr. Jitendra Sethi, Sr. Advocate
with Mr. Hemant Gulati, Mr. Sidharth
Mor, Mr. Shobit Dimri, Mr. Bharat
and Mr. Keshav Sethi, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State.
Insp. Sundeep Yadav, Special Cell.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.03.2026

CRL.M.A. 8662/2026 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 2100/2026

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks modification of conditions imposed *vidé* order dated 13.03.2026 passed by the learned ASJ-03, New Delhi District, Patiala House



Courts, New Delhi while granting interim bail to the petitioner from 16.03.2026 to 28.03.2026, on the ground that his wife needs to undergo surgery. The petitioner also seeks enhancement of the period for which interim bail was granted by the learned trial court.

2. Mr. Jitendra Sethi, learned senior counsel appearing for the petitioner draws attention to the conditions imposed *vidé* paras 8, 10, 11 and 12 of order dated 13.03.2026. The said conditions read as follows:

“8. IO will also file report regarding the family members of wife of accused, who have visited her, since 17.03.2026. For this, one lady police official will be deputed with wife of accused from 17.03.2026 till 20.03.2026 only.

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“10. IO will file report explaining the circumstances which exists in the house of wife of accused by clicking the photographs of wife of accused and noting down statements of three neighbours regarding the manner in which wife of accused is leading her life.

“11. IO will also collect CDR record of mobile phone of wife of accused and that of accused and will file report regarding the persons with whom wife of accused and accused, have made calls, starting from today.

“12. IO is given liberty to file report in detail, explaining the circumstances in which wife of accused, is leading her life, as on date, till 20.03.2026.”

3. Learned senior counsel argues, that it is apparent that the conditions imposed are an unacceptable invasion of the privacy of the petitioner’s wife, who has no concern with the subject FIR.
4. It is further submitted, that despite having been granted interim bail for the period between 16.03.2026 and 28.03.2026, by reason of the aforesaid conditions, the petitioner has not been able to avail his liberty.



5. Issue notice.
6. Ms. Shubhi Gupta, learned APP appears on behalf of the State on advance copy; and accepts notice.
7. Ms. Gupta argues, that as the record would show, on a prior occasion, *vidé* order dated 27.11.2025 passed in BAIL APPLN. No. 447/2025 by a Co-ordinate Bench of this court, the petitioner was granted interim bail on the very same ground, that is on the ground that his wife was to undergo spinal surgery on 01.12.2025.
8. Learned APP submits however, that the petitioner was aware that his wife was a running fever at the relevant time, for which reason she could not have undergone surgery; and yet, the petitioner availed the interim bail and after getting released from prison on 02.12.2025, stayed out for the entire 10-day period of interim bail, despite knowing that his wife could not have undergone surgery.
9. Insofar as the aforementioned conditions are concerned, Ms. Gupta fairly submits, that those conditions may not be appropriate since they amount to unwarranted surveillance and invasion of the privacy of the petitioner's wife.
10. Upon being queried, learned senior counsel appearing for the petitioner submits, that as would be seen from the medical records relating to the petitioner's wife issued by the Max Super Speciality Hospital, Dwarka, New Delhi, she has now been advised admission on 03.04.2026 with the surgery being scheduled on 04.04.2026.
11. Learned senior counsel accordingly prays, that the petitioner be granted some reasonable period of interim bail for him to be beside



his wife at the time of her surgery and during the post-operative period.

12. The court is informed that the petitioner has already suffered judicial custody for about 4½ years; and that his jail conduct has been ‘satisfactory’.
13. Upon a conspectus of the forgoing, this court is clearly of the view that the conditions imposed *vidé* paras 8, 10, 11 and 12 in order dated 13.03.2026 are wholly unacceptable intrusions on the privacy of the petitioner’s wife, who is not an accused in the subject FIR. Even otherwise, the law only empowers the court to impose appropriate conditions on the undertrial or the convict to whom bail/suspension of sentence is being granted; and while doing so, the court cannot impose conditions on the family members of the accused or convict.
14. In view of the above, while upholding the interim bail granted, all the conditions imposed *vide* order dated 13.03.2026 are set-aside. The petitioner – ***Sandeep @ Kala @ Kale @ Sonu @ Sinothia s/o Raj Bir*** shall now be entitled to the interim bail granted *vide* order dated 13.03.2026, subject to the following conditions :
 - 14.1. The petitioner shall be entitled to avail interim bail for a period of 03 weeks *commencing from 01.04.2026*;
 - 14.2. The petitioner shall furnish a personal bond in the sum of Rs. 1,00,000/- (Rs. One Lac Only) with 02 sureties in the like amount from family members, to the satisfaction of the Jail Superintendent;



- 14.3. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address as per prison records/as mentioned in the application;
- 14.4. The petitioner shall furnish to the Investigating Officer/S.H.O P.S.: Special Cell, New Delhi a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 14.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent and shall not travel out of the country without prior permission of the learned trial court;
- 14.6. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 14.7. At the time of his surrender, the petitioner shall furnish to the Jail Superintendent the medical records, including the discharge summary, relating to the surgery/procedure that his wife undergoes during the period of the petitioner's interim bail; and
- 14.8. Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent.
15. The petition is accordingly disposed-of in the above terms.
16. Pending applications, if any, also stand disposed-of.
17. It is made clear that, no further extension of interim bail will be granted to the petitioner on the same ground.



18. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.

ANUP JAIRAM BHAMBHANI, J

MARCH 20, 2026

V.Rawat