



\$~56

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 131/2026, CRL.M.A. 4980/2026, CRL.M.A.

4981/2026, CRL.M.A. 4982/2026

NAUSHAD

.....Petitioner

Through: Mr. Irfan Firdous, Ms. Nandini Bindoria, Mr. Nilesh Lohia and Mr. Rohit Sharma, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for State.
W/SI Meena, P.S. Nihal Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

19.02.2026

%

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks interim bail for a period of 30 days in case FIR No. 821/2023 dated 10.07.2023 registered under sections 376-D/506/34 of the Indian Penal Code, 1860 and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: Nihal Vihar, Outer District, Delhi on medical grounds. Consequent upon completion of investigation, offence under section 21 of the POCSO Act has also been added *vidé* chargesheet dated 07.09.2023.

2. Notice on this petition was issued on 14.01.2026.
3. Status Report has been filed under cover of Index dated 23.01.2026.
4. Medical Status Report dated 19.01.2026 and Nominal Roll dated 21.01.2026 have also been received from the jail.



5. Despite service of intimation, the prosecutrix remains unrepresented.
6. Learned counsel appearing for the petitioner submits, that as would be seen from the medical status report, the petitioner suffers from severe acute pharyngitis with hoarseness of voice, to the extent that the jail doctors had referred him to Deen Dayal Upadhyaya Hospital ('DDU Hospital'), where he was given a date for admission on 15.01.2026; and for surgery on 16.01.2026 for MLS + Biopsy (Microlaryngoscopy) since he was provisionally diagnosed with TVC Carcinoma (cancer of the vocal cords); however he had declined to be treated at DDU Hospital since he wants to get the surgery performed at a private hospital.
7. The medical status report further records that the petitioner is also a diagnosed case of Diabetes Mellitus-II; and suffers from bleeding per rectum due to internal and external haemorrhoids.
8. It is submitted, that in these circumstances, the petitioner be granted interim bail to attend to his serious medical conditions.
9. Mr. Shoaib Haider, learned APP appearing for the State submits, that though the petitioner's medical condition stands verified by the jail doctors as well as by the doctors at the DDU Hospital, the State would only point-out that the petitioner is accused of a serious offence; and the court may pass appropriate orders, keeping in mind that position.
10. The petitioner's nominal roll shows that he has suffered judicial custody of about 2½ years; that his jail conduct has been 'satisfactory'; that he was granted interim bail in December 2023; and that he has no other criminal involvements.



11. Upon a conspectus of the foregoing facts and circumstances, and in particular, keeping in mind the serious medical ailments that the petitioner suffers from, as verified by the jail doctors and by the doctors of DDU Hospital, for which he wants to consult a private medical facility of his choice, this court is inclined to allow the present petition.
12. Accordingly, the petitioner – **Naushad s/o Abdul Gafur** is granted *interim bail for a period of 04 weeks* from the date of his release, subject to the following conditions:
 - 12.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the Jail Superintendent;
 - 12.2. 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;
 - 12.3. The petitioner shall present himself before the S.H.O P.S.: Nihal Vihar, Outer District, Delhi *every Wednesday* between 11 am and 11:30 am to mark his presence, *except* if he is admitted to hospital on such day, in which case he will appear before the SHO as soon as possible thereafter. However, he will not be kept waiting longer than an hour for this purpose;
 - 12.4. The petitioner shall furnish to the S.H.O P.S.: Nihal Vihar, Outer District, 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;



- 12.5. 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 this court;
- 12.6. 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 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; and
- 12.7. Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent.
13. The present petition is disposed-of in the above terms.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 19, 2026

V.Rawat