



\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.A. 1562/2025 and CRL.M.A. 20774/2026, CRL.M.(BAIL) 2261/2025, CRL.M.(BAIL) 1327/2026

ASHISH ALIES VICKY

.....Appellant

Through: Mr. Digant Mishra, Ms. Kashmira Lambat, Mr. Abhinav Deshwal, Ms. Zainab Siddiqui, Mr. Sahir Gahlot, Mr Dipankar Singh and Ms. Anshul Rajora, Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP for State with Ms. Divya Yadav and Mr. Lalit Luthra, Advs.
Mr. B. Badrinath (DSLISA) and Mr. Dhruv Bhardwaj, Advocate.
Mr. Faraz Maqbool, Ms. Sahitya Veena and Ms. Ananya Luthra, Advocates for the Victim.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

ORDER

%

29.07.2026

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 1327/2026 (for interim suspension) & CRL.M.A.20774/2026 (for directions), CRL.M.(BAIL) 2261/2025 in CRL.A. 1562/2025

2. The instant applications have been filed seeking, *inter alia*, directions for the Appellant's immediate medical examination and for calling his medical records as also for interim suspension.



3. In the instant appeal, the Appellant has challenged the impugned judgment of conviction dated 19th July, 2025 and order of sentence dated 23rd July, 2025 passed by the Id. Additional Sessions Judge- 01(POCSO), New Delhi District, Rouse Avenue District Courts, New Delhi passed in **Sessions Case No. 8956/2016** arising out of **FIR No. 98/2014**, dated 8th February, 2014 registered at P.S. Vasant Vihar.

4. *Vide* the impugned judgment, the Appellant has been convicted for offences punishable under Sections 363/342/376(2)(i) and 323 of the Indian Penal Code, 1860 and section 4 of the Protection of Children from Sexual offences Act, 2012.

5. In terms of the impugned order on sentence, the Appellant has been awarded life sentence in the following terms:

“27. Hence, considering the above facts and circumstances, the convict Ashish @ Vicky is sentenced to rigorous life imprisonment, which shall mean imprisonment for the remainder of his natural life as punishable u/s 376(2)(i) IPC and fine of Rs. 50,000/-, and in default of payment of fine, simple imprisonment for three month. Further, convict is also sentenced to rigorous imprisonment for a period 03 years and fine of Rs. 5.000/-, punishable u/s 363 IPC and in default of payment of fine, simple imprisonment for one month. Further convict is also sentenced to rigorous imprisonment of 06 months and fine of Rs. 1,000/- punishable u/s 342 IPC and Further convict is also sentenced to rigorous imprisonment of 06 months and fine of Rs. 1,000/- punishable u/s 323 IPC. All the sentences shall run concurrently, Fine not paid.”



6. The Appellant is presently lodged in Central Jail, Tihar, 03 New Delhi.
7. The applications have been moved on behalf of the Appellant by his family members through *paurokar*.
8. It is stated that during the jail visitation/meeting, the Appellant had informed his family members that on 26th June, 2026, between 7:00 AM to 11:00 AM, the Head Warden, namely Mr. Sagar, had physically assaulted the Appellant and two other inmates.
9. The said application was considered by this Court on 17th July, 2026, on which date it was submitted by Id. Counsel for the Appellant that the Appellant had sustained serious injuries on his hand and he suspected that his hand had been fractured. It was further submitted that despite the apparent severity of the injury suffered by the Appellant, no medical examination, treatment, or other medical assistance had been provided to him. The further allegation on behalf of the Appellant are that the Head Warden, Mr. Sagar had demanded illegal protection money from the Appellant prior to the said incident.
10. It was also submitted by Id. Counsel for the Appellant that in the case of another inmate namely Nitin @Vinay, who is also stated to have been assaulted, an application had been moved before the Trial Court. It was stated that in the said application in ***Sessions Case No. 273/2021*** titled '***State v. Nitin***', *vide* order dated 13th July, 2026, the Trial Court had directed that the best medical treatment be provided to the said Applicant, as per the jail manual.
11. In this background, on 17th July, 2026, this Court after hearing submissions on behalf of the Appellant and the State observed that the allegations, if true, are extremely disconcerting and had directed as under:-



“14. *Heard. The allegations, if true, are extremely disconcerting, inasmuch as the Appellant has levelled allegations against the Head Warden himself of having inflicted injuries upon him.*

15. *Considering the nature of the allegations, the following directions are being issued:*

I. ***Preserving and production of CCTV footage:*** *The CCTV footage pertaining to the incident dated 26th June, 2026, covering the period from 6:00 A.M. to 2:00 P.M., shall be preserved and produced before this Court on the next date of hearing.*

II. ***Personal appearance of Head Warden and Status report:*** *Head Warden Mr. Sagar shall remain present before this Court on the next date of hearing. He shall file a comprehensive report setting out his version of the events that transpired on the aforesaid date, as well as the present medical condition of the Appellant and the other two inmates, who are stated to have sustained injuries.*

III. ***Medical Report by Jail Medical Officer:*** *The Medical Officer of the Jail shall furnish a complete report indicating the medical examination, treatment, and care provided to the Appellant from the date of the alleged incident till the date of submission of the report.*

IV. ***Details of Medical Facilities and Diagnostic Evaluation:*** *The Medical Officer shall also specify the steps taken to provide medical assistance to the Appellant and clarify whether any diagnostic investigation, including X-ray examination or any other relevant medical tests, were conducted, and if not, the reasons thereof.*

16. *Let the Appellant, along with the two other inmates who are stated to have suffered injuries, be produced before the Medical Superintendent, Deen Dayal Upadhyay Hospital, Delhi, today itself, i.e., 17th July, 2026, so that they shall be properly examined and an independent report regarding their medical condition be furnished before this Court on the next date of hearing.*



17. *The concerned Jail Superintendent, Central Jail, Tihar, 03 New Delhi shall file the response to the allegations in this application in a sealed cover, by the next date.*

18. *Let Mr. Ritesh Kumar Bahri, ld. APP communicate this order to the concerned jail authorities for necessary information and compliance.*

19. *Let the Registry communicate this order to the concerned Jail Superintendent, Central Jail, Tihar, 03 New Delhi and the Medical Superintendent, Deen Dayal Upadhyay Hospital, Delhi, today itself."*

12. As can be seen from the above order, the Court had directed the preservation and production of CCTV footage. In addition, the Court had also directed the presence of Mr. Sagar, Head Warden, Tihar Jail. Further reports were also called relating to the medical condition of the Appellant and examination was also directed at the Deen Dayal Upadhyay Hospital, Delhi.

13. Today, certain documents have been received from the concerned Superintendent, Central Jail-03, Tihar Jail, New Delhi in a sealed envelope, which include a detailed report from the said Superintendent, the jail medical officer's report, a pen drive containing the CCTV footage, as also medical reports from the Deen Dayal Upadhyay Hospital, Delhi.

14. It is noted that the Appellant and the other two inmates had been examined at the Deen Dayal Upadhyay Hospital.

15. In addition, Mr. Sagar, Head Warden has also given his status report.

16. Considering the nature of the alleged incident and the reports placed today, the Court would like to review them in detail and peruse the CCTV footage.

17. However, a *prima facie* perusal of the said reports shows that the Appellant has suffered a fracture on the left forearm (left ulna) and an elbow



cast is also stated to have been applied on the Appellant. Considering that there has been some confirmation of the alleged incident where the Appellant appears to have been injured, the Court is of the opinion that the Appellant is entitled to interim bail.

18. Accordingly, interim bail for a period of 30 days from the date of release is granted to the Appellant, subject to the following conditions:-

- i. The Appellant shall be released upon furnishing a personal bond for a sum of Rs.10,000/-, with a surety of like amount, to the satisfaction of the Trial Court/Link Court;
- ii. The Appellant shall intimate the concerned I.O, P.S. Vasant Vihar regarding his residential address where he would be residing upon release, and shall also inform the I.O. regarding any change in his residential address;
- iii. The Appellant shall provide his mobile number to the concerned I.O., P.S. Vasant Vihar and intimate about change in the number, if any;
- iv. The Appellant shall not, directly or indirectly, contact the family members of the deceased in any manner;
- v. The Appellant shall not indulge in any criminal activity and upon any such activity being discovered or indulged into, the present interim bail shall automatically stand cancelled;
- vi. The Appellant shall not leave the country without prior permission of this Court.

19. The Appellant shall surrender *forthwith* before the concerned Jail Superintendent upon expiry of the interim bail period of 30 days.

20. The **CRL.M.(BAIL) 1327/2026** seeking interim bail on medical



grounds is disposed of in said terms.

21. In the meantime, the other two inmates, namely, Mr. Vinay, S/o Mr. Ram Karan and Mr. Nitin@Balli, S/o Mr. Ram Karan shall also be given proper medical treatment under the supervision of the concerned doctors at the Deen Dayal Upadhyay Hospital, Delhi.

22. Mr. B. Badrinath, Id. Counsel for the DSLSA submits that the compensation has been paid to the victim and the status report has been filed by the DSLSA.

23. Accordingly, the DSLSA need not appear in this matter.

24. The documents along with CCTV footage in the pendrive handed over by Mr. Bahri, Id. APP in the sealed cover are directed to be retained on record in the sealed cover.

25. The Jail Superintendent shall also preserve and place before this Court within one week, the CCTV footage relating to another alleged incident on 27th June 2026, involving the Appellant, as mentioned in the report given by the Warden Mr. Sagar.

26. List on 23rd September, 2026 for further directions.

27. Copy of this order to be communicated to the concerned Jail Superintendent for necessary information and compliance.

28. Order to be uploaded on the website of this Court *forthwith*.

PRATHIBA M. SINGH, J.

VIKAS MAHAJAN, J.

JULY 29, 2026/MR/msh