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

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*Date of Decision: 13.10.2025*

+ CRL.A. 1047/2025 & CRL.M.(BAIL) 1588/2025

MANOJ RAI

.....Appellant

Through: Ms.Jahanvi Worah, Adv. (through  
VC)

versus

THE STATE (GOVT. OF NCT) DELHI & ANR .....Respondents

Through: Mr.Nawal Kishore Jha, APP

**CORAM:**

**HON'BLE MR. JUSTICE VIVEK CHAUDHARY**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T**

**CRL. M (BAIL) 1588/2025**

1. The present application has been filed under Sections 430 and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking suspension of sentence and consequential release during the pendency of the appeal.
2. The case of the prosecution, as per the record, is that on 24.03.2018, at about 7:15 p.m., a PCR call was received at Police Station Shalimar Bagh reporting that an eleven-year-old boy, S, had been missing since 4:00 p.m. from near Nahar Wala Park, Shalimar Bagh. The complainant, SP, father of the missing child, stated that he resided as a tenant at the given address and worked in a masala factory at Haiderpur. He stated that at about 4:00 p.m., his son had gone to fetch water from a temple situated in front of their house but did not return. He also expressed suspicion against Manoj Rai (the appellant



herein), believing that he had enticed and taken away his son. On the basis of his said statement, an FIR was registered.

3. During the course of investigation, on 25.03.2018, another PCR call informed the police that the appellant had been apprehended. Upon interrogation, he disclosed that he had killed the boy by manual strangulation and had disposed of the body in a drain near the dumping yard at Bhalswa Dairy, Delhi. Pursuant to his disclosure, the dead body of the boy was recovered from the drain.

4. In pursuance thereof, the appellant was charged under Sections 363, 377, 302, and 201 of the IPC and Section 5(m) of the POCSO Act, punishable under Section 6 of the POCSO Act, and was subsequently convicted thereunder and was *inter alia*, sentenced to Imprisonment for life.

5. Aggrieved by the said conviction and sentence, the appellant filed an appeal assailing the judgment, along with the present application seeking suspension of sentence.

6. Learned counsel for the appellant submitted that the appellant is an elderly man of about 60 years of age, with clean antecedents, and has been in custody for over seven years. She emphasized that the appellant has deep roots in society, being a permanent resident of Village Balwatol, P.S. Jayanagar, District Madhubani, Bihar, and there is no likelihood of him absconding or tampering with evidence and since the trial has concluded and all witnesses have been examined, there is no apprehension of influencing the prosecution evidence.

7. She further submits that the prosecution case suffers from glaring contradictions and infirmities. The statements of the witnesses, particularly the complainant and related witnesses, are inconsistent and mutually



contradictory. The conviction rests largely on circumstantial evidence, which does not constitute a complete and unbroken chain pointing solely to the guilt of the appellant. Additionally, the medical evidence is not conclusive to directly connect the appellant with the alleged act. In these circumstances, counsel prayed for suspension of the sentence during the pendency of the appeal.

8. Learned APP for the State, opposing the plea, submitted that the appellant voluntarily admitted his involvement before the police, which led to the recovery of the deceased's body. Moreover, the appellant and the deceased were captured together on CCTV footage obtained from the vicinity, establishing the "last seen" theory. The recovery of the *gamcha*, clothing, and other material further corroborates the events described in the appellant's disclosure. Furthermore, in view of the grave nature of the offence, voluntary confession, scientific corroboration, recovery of the body, and complete chain of circumstances, the present application of the appellant seeking suspension of sentence may be dismissed.

9. We have given our anxious consideration to the rival contentions and have carefully gone through the Trial Court Record. We have, in particular, perused the screenshots of the relevant CCTV footage, which clearly indicates that the accused and the deceased were '*last seen*' together. We have also taken note of the testimony of the prosecution witnesses and the other material placed on record and keeping in mind the same, at this initial stage, we do not find any compelling reason to suspend the sentence of the appellant.

10. Accordingly, the present application stands dismissed.



2025:DHC:9092-DB



**CRL.A. 1047/2025**

11. List in due course.

**VIVEK CHAUDHARY  
(JUDGE)**

**MANOJ JAIN  
(JUDGE)**

**OCTOBER 13, 2025**  
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