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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 17th September, 2026Uploaded on: 17th September, 2026

CNR No. DLHC010374002026

+ CRL.A. 777/2026

FARHAN ANSAR SUSE (IN JC)

.....Appellant

Through: Mr. Satyakam, Sr. Advocate with Mr.
Shaikh Saipan Dastgir, Rehan Galib
Khan, Mr. Harish Chand and Mr.
Anant Chittoria, Advocates.

versus

NATIONAL INVESTIGATION AGENCY
& ORS.

.....Respondents

Through: Ms. Asmita Singh, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant under Section 21(4) of the National Investigation Agency, Act 2008, *inter alia*, assailing the impugned order dated 1st August, 2026 passed by the Id. Additional Sessions Judge-03, Patiala House Courts, New Delhi (*hereinafter*, 'impugned order') arising out of **FIR No. RC- 29/2023/NIA/DLI**.
3. *Vide* the impugned order, the Appellant's interim bail application has been rejected by Special Court, National Investigation Agency (*hereinafter*, 'NIA').



4. On 13th August, 2026, notice was issued in the present appeal and the NIA was directed to file its reply within two weeks. Further, the Court had directed that a report be called from the medical officer of the concerned jail.

5. Pursuant thereto, on 16th September, 2026, the Court had directed the ld. Sr. Counsel for the Appellant to seek instructions as to whether the Appellant could get his treatment done in a private hospital in Delhi.

6. As per the NIA, the Appellant has been charge-sheeted in **FIR RC-29/2023/NIA/DLI** dated 6th November, 2023, under Sections 120B and 387 of the Indian Penal Code, 1860 (*hereinafter*, '*the IPC*') and Sections 13,18, 18A, 20, 38 and 39 of the 40 of the Unlawful Activities (Prevention) Act, 1967 (*hereinafter*, '*UAPA Act*'). The chargesheet was filed on 21st March, 2024 and, thereafter, the first supplementary chargesheet was filed on 3rd June, 2024 by the NIA.

7. As per the first supplementary chargesheet, the broad allegations against the Appellant are as follows:

- (i) The Appellant, along with various other co-accused, were allegedly in conspiracy with A-13 i.e., Saquib Nachan, who was operating for ISIS in India. He has since passed away,
- (ii) The further allegation against the Appellant is that a network of extortion was being run by the Appellant for ISIS.
- (iii) He has also allegedly circulated various messages, etc., on behalf of ISIS.
- (iv) He allegedly took an oath of allegiance to ISIS.
- (v) Certain evidence has also been relied upon to allege that the Appellant had made various demands, and had collected large amounts of money, in cash, from various businessmen in the area



of Padgha, Maharashtra, for supporting ISIS.

8. The aforesaid allegations which have been made against the Appellant in the first supplementary chargesheet are as under:

"17.34 It is established that, in the said meeting, A-13 gave bayth of khalifa of ISIS in Arable language to A-4, A-6, A-7, A-9, A-10, A-14, A-18 and other residents of Padgha village namely Zulfikar Ali Barodawala, Akif Nachan, Sharjeel Sheikh, Shamil Nachan [arrested & charge-sheeted accused in another NIA ISIS Case RC-02/2023/NIA/MUM & RC-05/2023/NIA/MUM] and another suspect. The A-13 recruited them as an active members of ISIS and directed them to follow the path of Jihad. Further he said that, "Eliminate any difficulty, shoot, drop bombs, or die fighting for Jihad, you will get heaven. I have also put my children on this path of Jihad. "The witness statement reveals this fact.

17.35 It is revealed that, to further the activities of ISIS, A-13 and his associates approached ex-SIMI members and co-accused in different criminal cases. In December 2021, a conspiracy meeting was held at house of A-13 at Borivali Padgha village. In the said meeting, A-4, A-5, A-6, A-11, A-13, A-14, A-17, A-18, Akif Nachan & Shamil Nachan son of A-13 were present. In that meeting, A-13 insisted a witness to join ISIS by declaring that, during this regime, atrocities on Muslims are increased in India, ban on slaughter of animals and mob lynching is happening in its name. Laws are being made against Muslims, NRC, CAA, ban on Talaq, this is interference in Islam, we have not forgotten the martyrdom of Babri Masjid yet, it is necessary to take revenge for it. Just celebrating 'Black Day' and taking out rallies will not work. Once again we will have to teach the kafirs (infidels) a lesson with Jihadi bomb blasts like before.

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17.55 It is revealed that, A-4, A-6, A-13, A-11 & their associates are intentionally creating issues and litigations with businessman and ware house owners of Brivali-Padgha village and adjacent area and raising money by threatening them in the name of ISIS with violence and extorting money from them.

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17.58 It is revealed that, in 2022, in order to raise the funds for the cause of criminal activities in support of ISIS, the A-6, A-11 & A-13 threatened businessman of the local area and demanded Rs. 10 crore from him. The A-6, A-11, A-13 extorted the money of Rs. 2.5 Crores in cash from the local businessman by using the name of ISIS, to further activities of ISIS. In order to threaten the businessman for extortion of money, A-13 claimed himself as 'Amir-e-Hind of ISIS' and put them in fear of death and grievous hurt.

17.59 It is revealed that, in 2022, a witness had sold his shop at Padgha to other witness for Rs. 16 Lakh and received Rs. 3 lakh cash as advance. After one month, when A-6, A-4 and A-13 learnt that the Shop was purchased by the witness, they become furious and pressurized the witness (owner) to take it back. The A-4 and A-7 instructed him, not to cross A-13 as he doesn't want that man (purchaser witness) there. The A-4 told that A-13 is head of ISIS in India and he doesn't like to be opposing by anyone and he has no fear of Law and Police. Then due to their fear, witness (owner) requested and refunded his advance Rs.3 lakh. As A-13, A-4, A-6 and A-7 compelled to cancel the deal of sale of said shop by using the name of ISIS and threatening him.

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17.89 It is revealed that, after the said rally witnesses met A-13 and A-11 in front the Shop of A-5 at Boriwali chowk. In that short meeting. A-13 was telling them that the establishment of Khilafat is the only solution to all problems of the Muslim World. Our Muslims are



divided so we are facing various problems as well as due to distancing from the 'Rule of Allah' (Shariya) we are facing problems. Due to our wrong policies and abandoning the path of Quran and Sunnah we are following the rule of Kafir's. There is only way to establish Khilapat is following the path of ISIS which will bring rule of Shariya and aman for Muslims. As on today only ISIS is fighting for that A-13 has started his fight on this way before 30 years by doing Jihad against Kafir. They have to expand their network of ISIS. Their associate Akif released on bail, so they would fight with enthusiasm. In the said meeting, A-5, A-11 and A-13 discussed raising funds for ISIS.

17.90 It is revealed that, A-5, A-11 and A-13 were raising funds for ISIS from various businessmen by threatening them and A-5 was helping them to regularize the money through his bank accounts.”

9. Presently, the trial is at the stage of arguments on charge.
10. The Appellant is seeking interim bail on medical grounds. He is stated to be suffering from *Umbilical Hernia with Bronchial Asthma and Type-II Diabetes*.
11. The Appellant is stated to have been examined at the Deen Dayal Upadhyay Hospital (*hereinafter “DDU Hospital”*) and the hospital has suggested the Appellant to undergo surgery.
12. *Vide* the impugned order, the Trial Court recorded that since DDU Hospital was already undertaking the treatment of the Appellant and, owing to the Appellant's co-morbidities, the doctors were awaiting his health to stabilise. Hence, the Appellant was required to visit DDU Hospital in August 2026 for pre-admission.
13. Considering these circumstances, since the Appellant was being provided medical treatment, the Trial Court rejected the interim bail



application of the Appellant.

14. Mr. Satyakam, Id. Sr. Counsel on behalf of the Appellant has made the following submissions:

- (i) The main allegation against the Appellant is that of extortion of money.
- (ii) Insofar as the alleged connection of the Appellant with ISIS is concerned, the same is yet to be established during the course of trial.
- (iii) Insofar as A-13, Saquib Nachan, the prime accused, is concerned, he has already passed away.
- (iv) There are more than 500 witnesses to be examined in the present case, and the Appellant has already undergone incarceration for 2 years and 9 months.
- (v) It is submitted that the Appellant may be granted interim bail to enable him to meet his family in Bombay, as also to undergo medical treatment at a private hospital in Bombay.

15. On behalf of the Respondent-NIA, Ms. Asmita Singh, Id. Counsel has made the following submissions:

- (i) The Appellant was an active member of ISIS in India.
- (ii) In the Padgha area, a group of individuals, including the various co-accused in the present case, were allegedly involved in spreading the message of ISIS, taking oath on behalf of ISIS and raising funds for ISIS.
- (iii) The said group allegedly has a larger network, and the Appellant is alleged to be one of the prime and chief conspirators for A-13, Saquib Nachan, who has since passed away.



- (iv) The Appellant has changed his stand over the course of the trial. Initially, it was argued that the arrest of the Appellant itself was illegal.
- (v) After the said application was decided against the Appellant, the present position is that, following the demise of A-13, the Appellant has sought pardon and wishes to turn into an approver.
- (vi) Further, it is also stated that the Appellant is being given proper medical treatment in Delhi, and, therefore, the present appeal deserved to be dismissed.

16. The Court has been informed that the appeal in respect of the pardon sought by the Appellant is pending before this Court. It is also informed that in respect of the illegal arrest as well, a writ petition is pending before this Court.

17. The Court has considered the matter. The allegations against the Appellant have already been reproduced hereinabove. From the above extracts, it is clear that the Appellant is alleged to have collected huge sums of money in cash for ISIS from businessmen. He is also alleged to have opened bank accounts in different names, including in the name of the other co-accused person, A-5, though the same were allegedly being operated by the Appellant, who was co-accused A-11. However, at this stage, the Court does not wish to make any observations in respect of the said allegations.

18. Needless to add, the only consideration, at this stage, is with regard to the grant of interim bail on account of the medical condition of the Appellant.

19. The admitted position is that the Appellant is required to undergo surgery for an *umbilical hernia*. He has been receiving treatment at DDU Hospital. However, the Appellant wishes to undergo treatment at a private



hospital. The reasons for the same need not be gone into by this Court, as the Appellant, being medically unwell, cannot be prevented from undergoing treatment at a private hospital at his own expense.

20. However, the prayer for undergoing medical treatment in Bombay is not considered feasible at this stage, in view of the network which the Appellant is alleged to have in Padgha and the neighbouring areas in Maharashtra.

21. The Court, at this stage, is only inclined to permit the Appellant to undergo treatment at any private hospital of his choice in Delhi/NCR, while under custody.

22. Accordingly, the present appeal is disposed of subject to the following conditions:

- i) The Appellant is given custody bail for 30 days to undergo medical treatment at any private hospital of his choice, in Delhi/NCR region.
- ii) Upon the Appellant communicating the choice of his private hospital in Delhi/NCR region to the concerned jail superintendent, he shall be permitted to seek admission in said hospital while under custody. The expense of the hospital shall be borne by the Appellant.
- iii) The initial interim custody bail is granted for a period of 30 days, from the date from which he is admitted into the private hospital. Post-operation, if the Appellant is declared fit by the doctor, before the expiry of 30 days period, he shall be shifted back to the jail upon such fitness certificate being granted by the treating doctor. The extension of interim bail shall, however depend



upon medical advice.

- iv) The Appellant can be accompanied by any two persons from his immediate family viz., his spouse or any of his children, during the time when he is admitted into the private hospital. However, the Appellant shall not indulge in any communication or meetings with any other relatives, friends, acquaintances over mobile or otherwise. In addition, he shall not communicate with any persons, directly or indirectly, named in the chargesheet in ***FIR No. RC- 29/2023/NIA/DLI.***
- (v) Immediately, upon expiry of the custody bail period, the Appellant shall be shifted from the hospital back to the concerned jail.

23. It is made clear that the observations in this order shall not have a bearing on any other proceedings.

24. The present appeal is disposed of in these terms. Pending applications, if any, are disposed of.

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

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

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

SEPTEMBER 17, 2026/MR/SM