

13.03.2026

At 2.00 p.m.

This is 2nd application u/s 483 of BNSS for grant of bail filed on behalf of applicant /accused.

No bail application has been reported to be pending before any other court or before Hon'ble High Court of Delhi.

Present : Sh. Vishal Gupta, Ld. Substitute Addl. PP for the State.
Sh. Saimon Farooqui, Mohd. Azam Khan and Sh. Bipul Kumar, (M.No. 7678654325), Ld. Counsels for the applicant/accused.
Sh. Devesh Upadhyay, intern for the Ld. Counsel for the applicant / accused (through VC).
Sh. Sachin Bansal, Ms. Arti Sharma, Sh. Gaurav Chauhan and Sh. Rishab Yadav, Ld. Counsels for the complainant (M.No. 9810186530).
IO/SI Ramakant (M.No. 9871757734) is present (through VC).

TCR produced. Same is perused and returned back.

1. By filing the present application, applicant/ accused namely **Ajay Yadav** is seeking **regular bail** on the ground that the present bail application emanates from FIR bearing No. 661/25 dated 19.06.2025 and is pending before Ld. Trial Court bearing Cr. Case No. 13170/25 wherein applicant/accused was arrested on 10.07.2025 for the offence of fraud and cheating for the amount of Rs.33.70 Lakh approximately. **True copy of the FIR No. 661/25 is annexed as Annexure A-01.**
2. It is further submitted by the Ld. Counsel for the applicant/accused that the applicant/accused preferred bail application bearing No. 3937/25 u/s 483 BNSS before the Hon'ble High Court of Delhi in connection with present FIR whereby Hon'ble High Court of Delhi dismissed the bail petition vide order dated 02.12.2025. **True**

copy of the order of Hon'ble High Court of Delhi dated 02.12.2025 is annexed as Annexure A-02. It is further submitted that the reply to the bail application No. 3937/25 has been filed by the IO and **true copy of the reply is annexed as Annexure A-03.**

3. It is further submitted by the Ld. Counsel for the applicant/accused that all necessary investigation was completed and charge-sheet has been filed before Ld. Trial Court dated 05.09.2025 by the IO. True copy of the extracted part of the charge-sheet dated 05.09.2025 is annexed as Annexure A-04. It is further submitted that it is pertinent to reflect key facts of this case that after filing the charge sheet, there is no development occurred by the part of the Ld. Trial Court and still framing of charge is pending before Ld. Trial Court.

4. It is further submitted by the Ld. Counsel for the applicant/accused that the applicant/accused has before preferred a bail application bearing No. 1627/2025 u/s 483 BNSS before the Sh. R.L. Meena, Ld. ASJ, Tis Hazari Courts, which was dismissed vide order dated 19.09.2025, stating as under :

“After having gone through the submissions of both the parties and perusal of the record I find that it is allegation of the prosecution that present accused has not only embezzled the fund in the tune of Rs.33,70,000/- from the firm of the complainant but also embezzled the fund in the tune of Rs.1.5 crore from the firm of complainant's father. Separate FIR bearing No. 782/24 has also been registered against the present accused by the father of the complainant. The said embezzled funds is a large amount which has not been recovered so far. Further, this is a repeated offence allegedly committed by the accused in the firm of the complainant. In the light of the aforesaid facts and circumstances, particularly, complainant is yet to be examined, therefore, at this stage, I am not inclined to grant the bail to the present accused. Accordingly, the present application is dismissed.”

True copy of the order dated 19.09.2025 passed by Sh. R.L. Meena, Ld. ASJ, THC, is annexed as annexure A-05.

5. It is further submitted by the Ld. Counsel for the applicant/accused that the complainant and his family are a seasoned business family operating in Sadar Bazar, New Delhi. Approximately 40 years ago, they employed father of the applicant/accused as a domestic servant and since then applicant/accused's father, along with his family, has been residing at the complainant's residence and remained under their control and supervision. It is further submitted that after completing his 10+2 education, applicant/accused began working for the complainant as an Accountant/data entry operator. It is further submitted that the sisters of the applicant/accused, after their respective marriages, have since been engaged in separate employment and are independently settled with their respective families.
6. It is further submitted by the Ld. Counsel for the applicant/accused that applicant/accused is law abiding citizen with **no previous criminal antecedents**. It is further submitted that the applicant/accused and his father had been working with the complainant and his family until the registration of FIR No. 782/24 dated 21.08.2024. It is further submitted that the said FIR appears to have been lodged vindictively, after the applicant/accused refused to continue following the complainant's instructions blindly and unquestioningly. **True copy of the FIR No. 782/24 dated 21.08.2024 is annexed as Annexure A-06.**
7. It is further submitted by the Ld. Counsel for the applicant/accused that the earlier FIR No. 782/24 dated 21.08.2024 at the same PS and involving the same complainant, was investigated and the charge-sheet has been filed. Most family members, including father of applicant/accused, were discharged after no incriminating

material was found against them. **True copy of the discharge order in connection of FIR No. 782/24 of father of applicant/accused bearing anticipatory bail No. 1655/24 dated 17.09.2024 is annexed as Annexure A-07.**

8. It is further submitted by the Ld. Counsel for the applicant/accused that the present FIR No. 661/25 merely reiterates the same allegations involving the other family members and transactions and is an attempt to re-litigate facts that have already been adjudicated during the investigation of FIR No. 782/24. It is further submitted that the disclosure statement of applicant in connection with FIR No. 782/24 clearly shows that M/s Veer Metal Udyog, a proprietorship concern, is associated with the family of Mr. Navin Jain, who is also the complainant in the said FIR. The criminal case arising out of FIR No. 782/24 (Cr. Case No. 17820/24) is presently pending consideration for framing of charge before Ld. Trial Court. **True copy of disclosure statement of the applicant/accused in connection with FIR No. 782/24 is annexed as Annexure A-08.**

9. It is further submitted by the Ld. Counsel for the applicant/accused that the applicant/accused has been falsely implicated in the present FIR, which is premised solely on the allegation of the complainant Mr. Nikhil Jain, without any substantial material or evidence establishing any direct or indirect involvement of the petitioner. It is further submitted that the complainant Mr. Nikhil Jain, had already lodged a written complaint dated 01.10.2024 with the same set of facts and allegations at PS Sadar Bazar. The police duly acknowledged this complaint and thereafter a charge-sheet in FIR No. 782/24 was filed on 25.10.2024. **True copy of the complaint dated 01.10.2024 is annexed as Annexure A-09.**

10. It is further submitted by the Ld. Counsel for the applicant/accused that despite the aforesaid, neither the complainant nor the

investigating officers thought it fit to incorporate these allegations in the earlier charge-sheet arising out of FIR No. 782/24. However, after a lapse of about nine months, the complainant suddenly initiated a second FIR bearing No. 661/2025 at the same PS against the applicant/ accused on the same set of allegations.

11. It is further submitted by the Ld. Counsel for the applicant/ accused that the anticipatory bail application No. 1326/25 were filed by the other accused persons namely Ms. Poonam Yadav and Roopa Yadav in connection with FIR No. 661/25, whereby the Ld. Sessions Court, vide order dated 30.07.2025, granted anticipatory bail / discharged both of them. **True copy of the anticipatory bail / discharge order in FIR No. 661/25 dated 30.07.2025, is annexed as Annexure P-10.**
12. It is further submitted by the Ld. Counsel for the applicant/ accused that the same allegations were the subject matter of an earlier FIR No. 782/24, where a full investigation was conducted and all family members except applicant/ accused were discharged. It is further submitted that the order of the charge has been set aside in connection with FIR No. 782/24 by the Ld. Sessions Court of Sh. Bhupinder Singh, Central District, THC, in Cr. Rev. 290/25. **True copy of the charge set aside order in FIR No. 782/24 dated 14.07.2025 is annexed as Annexure P-11.**
13. It is further submitted by the Ld. Counsel for the applicant/ accused that the allegations in this FIR are substantially identical to those in FIR No. 782/24 dated 21.08.2024, also registered at PS Sadar Bazar, which involved allegations of embezzlement of about Rs.1.5 crore against the applicant/accused. The applicant/accused has already been granted regular bail in FIR No. 782/24 by the Hon'ble High Court of Delhi vide order dated 25.08.2025 in Bail Application No. 1557/25, after finding that :

- (i) *investigation and charge sheet were complete,*
- (ii) *the applicant had undergone over 12 months of custody,*
- (iii) *The possibility of tampering with evidence was remote,*
- (iv) *continued pre-trial detention would serve no purpose, and*
- (v) *the applicant, being a family man with no antecedents, did not pose any flight risk.*

True copy of the order dated 25.08.2025, passed by the Hon'ble High Court of Delhi is annexed as Annexure P-12.

14. It is further submitted by the Ld. Counsel for the applicant/accused that the applicant/accused was interrogated by the investigative officers and thereafter Ld. Trial Court directed and remanded the applicant/accused for 02 days PC from 08.07.2025 to 10.07.2025. It is further submitted that all the necessary investigation and inquiry has been completed because both the FIR were constituted same set of allegations against the petitioners. It is further submitted that the **applicant/accused has been in JC since 10.07.2025 in connection with the present FIR No. 661/25. True copy of the dasti order dated 08.07.2025, passed by Ld. JMFC, Central, THC is annexed as Annexure P-13.**

15. It is further submitted by the Ld. Counsel for the applicant/accused that the FIR is manifestly attended with malafide intention and continuation of proceedings would cause unwarranted harassment to the applicant/accused. It is further submitted that no recovery has been made from the applicant/accused nor has any material been found linking him to the alleged crime during investigation. It is further submitted that there is no averment in the FIR that the applicant/accused had any *mens rea* or participated in the alleged acts of misappropriation.

16. It is further submitted by the Ld. Counsel for the applicant/accused that Hon'ble Supreme Court of India in multiple decisions including **State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335** has laid down the following grounds where quashing of FIR is justified :

- a) *If the FIR does not disclose a prima facie offence,*
- b) *If it is manifestly attended with mala fide,*
- c) *If the criminal proceedings are initiated with an ulterior motive for vengeance or to harass the accused.*

17. It is further submitted by the Ld. Counsel for the applicant/accused that the applicant/accused is the sole bread earner of his family, having a minor child and no one is there to look after his family for their livelihood except the applicant/accused. It is further submitted that the investigation and interrogation have been completed and applicant/accused is no further required for any purpose, therefore, he should not be kept behind the bar unnecessarily which would not serve fruitful purpose.

18. It is further submitted by the Ld. Counsel for the applicant/accused that there is no apprehension of the absconding of the applicant/accused or tampering with the evidence. It is further submitted that the applicant/accused along with his family has been resident of H.No. 123, First Floor, Block L1, Mohan Garden, Delhi and there are no chances of flight risk and his absconding from the course of justice. It is further submitted that the applicant/accused will abide by all the terms and conditions imposed upon the applicant/accused. It is further submitted that the applicant/accused undertakes to present himself before the police / court as and when directed and relied upon the judgment in the case titled **Sanjay Chandra Vs. CBI, AIR 2012 SC 830 and State of Rajasthan Vs. Balachand alias Baliay, in the year 1978.**

19. It is further submitted by the Ld. Counsel for the applicant/accused that there is change in the circumstances after dismissal of earlier bail applications as considerable time has elapsed since dismissal of previous bail application before Hon'ble High Court of Delhi vide order dated 02.12.2025 and the charge sheet in the present case has already been filed on 04.09.2025 and charge is yet to be framed with further submission that each and every day of custody may arises the new cause of action for filing the present bail application and despite several opportunities, charge has not been framed so far. It is prayed that applicant/accused may kindly be released on bail in the present FIR.
20. Today, written submissions qua maintainability of the bail application filed by the Ld. Counsel for the applicant/accused wherein it is submitted that the matter is presently listed for part arguments on charge on 17.03.2026, and even on the said date, the charges are unlikely to be framed. This itself demonstrates that the trial is proceeding at an extremely slow pace, resulting in continued incarceration of the applicant/accused without commencement of the trial.
21. It is further submitted by the Ld. Counsel for the applicant/accused that the delay in the trial is neither attributable to the applicant/accused nor caused by any act or omission on his part, **but is solely due to procedural delays on the part of the prosecution and the criminal justice system.** The applicant/accused cannot be made to suffer prolonged incarceration for reasons beyond his control.
22. It is further submitted by the Ld. Counsel for the applicant/accused that another FIR arising out of the same set of allegations, being **FIR No. 782/24**, is also pending trial at the stage of framing of charges since March 2025. In the said matter, the

Hon'ble High Court of Delhi has been pleased to grant bail to the applicant/accused, observing that the trial is moving at a snail's pace. The present FIR No. 661/25 arises from the same set of facts, and therefore, the applicant/accused is entitled to parity and similar consideration.

23. It is further submitted by the Ld. Counsel for the applicant/accused that it is settled principle of law that successive bail applications are maintainable where there is a material change in circumstances, and the Court is obligated to consider such applications on their own merits.

24. It is further submitted by the Ld. Counsel for the applicant/accused that likewise, Hon'ble High Court of Delhi in *Vineet Vs. State, 2024 SCC OnLine Del 3892*, which was relied on various judgments, including *Siddharth Kumar Vs. Directorate of Enforcement*, Bail Application No. 4572/2024 decided on 15.01.2025, has held that prolonged incarceration after dismissal of a previous bail application constitutes a significant change in circumstances, thereby entitling the accused to seek fresh consideration of bail. The Hon'ble Court further observed that every additional period spent in custody may itself provide a fresh cause of action to move a bail application.

25. It is further submitted by the Ld. Counsel for the applicant/accused that similarly, in *Dharamveer @ Kalu Vs. State & Anr.*, Bail application No. 96/22, decided on 27.10.2022, the Hon'ble High Court of Delhi held that each day spent in custody constitutes a fresh cause of action for filing a bail application, and therefore, a subsequent bail application cannot be rejected solely on the ground that there is no change in circumstance.

26. It is further submitted by the Ld. Counsel for the applicant/accused that the continued incarceration of the

applicant/accused without commencement of the trial seriously infringes the fundamental rights guaranteed under Article 21 of the Constitution of India, which includes the Right to Life and Personal Liberty and the Right to Speedy Trial. It is well settled that pre-trial detention cannot be allowed to become plunitive in nature, particularly when the trial is unlikely to conclude within a reasonable time.

27. **Ld. Addl. PP for the State has strongly opposed the present bail application on the ground that the same is not maintainable keeping in view the dismissal of earlier bail application by the Ld. Sessions Court vide order dated 19.09.2025 as well as by the Hon'ble High Court of Delhi vide order dated 02.12.2025 and all the aspects/grounds which have been taken have already been dealt with, as observed in para No. 9 to 14 by the Hon'ble High Court of Delhi in its order, and decided accordingly, as such, there is no change of circumstances with further request to dismiss the bail application.**

28. The relevant paragraphs of the order dated 02.12.2025, passed by Hon'ble High Court of Delhi are reproduced as under :

“Court’s Reasoning and Analysis

9. I have considered the submissions and perused the record. The allegations in the present case reflect a structured and deliberate financial fraud by the petitioner who served as accountant to the complainant's firm. The present FIR reflects that substantial sums were transferred from the complainant's firm to the petitioner's personal bank account over a considerable period and manipulations of ledgers was done to conceal fraudulent transactions. Such conduct, demonstrates not merely breach of trust but systematic siphoning and laundering of funds, thereby increasing the gravity of the offence.

10. At the stage of bail, the court does not have to conduct a 'mini trial", rather has to analyse if a prima facie case is made out. The law relating to grant of bail in serious offences is well settled. While personal liberty

is a fundamental right under Article 21 of the Constitution, it must be balanced against the seriousness of the allegations, the nature of evidence, and the risk of tampering with the evidence or intimidating witnesses [State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21].

*11. The material collected during investigation, including bank statements, transfers to multiple accounts, falsification of account entries and cash withdrawals, prima facie indicate active participation of the petitioner in the offence. The seriousness of economic offences has been emphasised by the Supreme Court in **Y.S. Jagan Mohan Reddy v. CBI, (2013) 7 SCC 439**, holding that economic crimes involving deep-rooted conspiracies and huge loss of public funds require a different approach at the stage of bail.*

12. The reliance by the petitioner on the grant of bail in previously filed FIR No. 782/2024 is misplaced. The mere fact that the petitioner secured bail in an earlier matter cannot, in law, entitle him to bail in the present case, which is founded on separate financial transactions, separate company and different complainant.

*13. It is an undisputed fact that the petitioner transferred money from the complainant's firm account to his personal account- as also admitted by him in his disclosure statement in previous FIR as well. In the present case, even though the chargesheet is filed, **charges have yet to be framed and the statement of the complainant has to be yet recorded.***

14. Considering the overall facts and circumstances and the nature and gravity of allegations, no ground is made out for grant of bail to the petitioner at the present stage.”

29. Ld. Counsel for the complainant has also opposed the bail application submitting that the present bail application is not maintainable as all the grounds taken by the applicant/accused have already been dealt with and there is no change of circumstances. Ld. Counsel for the complainant has also placed on record copy of judgment of Hon’ble Supreme Court of India in the case titled State

of Maharashtra Vs. Captain Buddhikota Subha Rao, 1989 Supp (2)

SCC 605, relevant portion of which is reproduced as under :

“xxx what is important to realise is that in Criminal Application No. 375 of 1989, the respondent had made an identical request as is obvious from one of the prayers (extracted earlier) made therein. Once that application was rejected there was no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And, when we speak of change, we mean a substantial one which has a direct impact on the earlier decision and not merely cosmetic changes which are of little or no consequence. Xxx”

30. Ld. Addl. PP for the State has also opposed the bail application on the ground that on the complaint of complainant Nikhil Jain, the present case was registered against the applicant/accused and other family members. The complainant runs a firm in the name of M/s Veer Metal India in the area of Sadar Bazar, Delhi-110006, who alleged that his employee i.e. the present applicant/accused, who had been working in the firm as an Accountant since 10-12 years and living with his family in office premises in Sadar Bazar, embezzled the funds to the tune of Rs 33,70,000/- from firm's Kotak Mahindra Bank account No. 6211582397 to his personal account of Canara Bank Account No. 0307101601983 from the year 2022 to 2024 and further he transferred the same misappropriated amount to his federal bank account No. 99980112953851 and in his sister Poonam Yadav, Roopa Yadav and brother Sanjay Yadav's bank account and in other various bank accounts and transferred through mobile Ld. Addl. PP for the State to other person's account. It is further submitted that the offence was committed by the present applicant/accused from the period of approximately two year from 2022 to 2024. It is further submitted that the complainant also alleged that the applicant/accused also made false entries in the account books in the

name of different suppliers of the firm and also alleged the name of other family members in the FIR.

31. It is further submitted by the Ld. Addl. PP for the State that the present case was registered and investigation was taken up and during the course of investigation, it was revealed that applicant/accused has already been arrested in FIR No. 782/24 dated 21.08.2024, u/s 316(4)/318(4)/336(3)/340(2)/61(2)/3(5) BNS, which was registered on the complaint of Naveen Kumar Jain (father of present complainant), who alleged that he runs a firm in the name of M/s Naveen Jain Metal Udyog in the area of Sadar Bazar and applicant/accused, who had been working in the firm as an Accountant, embezzled the funds in a tune of Rs.1.5 Crore to his Kotak Mahindra Bank Account No. 0711666779 from 2023 to 2024, Federal Bank Account and Canara Bank Account from the firm's account and charge-sheet has already been filed in the case FIR No. 782/24 by IO/SI Manoj Tomar, Spl Staff, North District.
32. It is further submitted by the Ld. Addl. PP for the State that during the course of investigation, an application for production warrant of applicant/accused was moved before Hon'ble High Court of Delhi to interrogate him and on 08.07.2025, applicant/accused was formally arrested in the present case after taking prior permission from the court for further investigation and to detect money trail and recover the misappropriated amount of Rs.33,70,000/-. It is further submitted that applicant/accused was not cooperating in the investigation of the present case and two days PC remand of the applicant/accused was obtained to detect money trail and recover the misappropriated amount of Rs.33,70,000/-.
33. It is further submitted by the Ld. Addl. PP for the State that during the course of investigation, it was revealed that the applicant/accused transferred the misappropriated amount of

Rs.33,70,000/- in his Canara Bank account No. 0307101601983 from the account of firm and also transferred the part of misappropriated amount from his Canara Bank Account to his Federal Bank Account, his SBI bank credit card account, Standard Chartered Bank Account and bank accounts of his family members. It is further submitted that the applicant/accused had also withdrawn misappropriated money in cash from his Canara Bank account and Federal Bank account.

34. It is further submitted by the Ld. Addl. PP for the State that during investigation, it was also revealed that applicant/accused had purchased a scooty and bike in his name from the misappropriated amount and had also purchased a property No. 123, 1st Floor, L-1 Block, Mohan Garden, Delhi and investigation on the above facts is still pending. It is further submitted that applicant/accused bluntly spent the money, approximately Rs.15 lacs, for liquor and dance party in the clubs, hotels, cafe and bars in Delhi and the whole amount was transferred into bank accounts of different persons. It is further submitted that during the course of investigation, notice u/s 35(3) BNSS has been issued to suspect namely Poonam Yadav, Roopa Yadav and Sanjay Yadav to join the investigation and all above suspect have joined the investigation in the present case. It is further submitted that charge-sheet of the present case has already been filed before Ld. JMFC and further investigation of the present case is in progress. It is further submitted that charge is yet to be framed in the present case and next date of hearing before Ld. Trial Court is 17.03.2026. It is further submitted that the applicant/accused is previously involved in similar nature of criminal case bearing FIR No. 782/24, u/s 316(4)/318(4)/336(3)/340(2)/61(2) BNS. It is further submitted that the present applicant/accused is actively involved in the crime.

35. I have heard the submissions made by the Ld. Addl. PP for the State along with Ld. Counsel for the complainant and Ld. Counsel for the applicant / accused.

36. Order dated 15.09.2025 of Sh. Gaurav Goyal, Ld. JMFC, THC is reproduced as under :

*“Present : None for the State.
Accused produced from JC.
Sh. Saimon Farooqui, Ld. Counsel for the
accused.*

*I have gone through the final report u/s
193 BNSS, FIR, statement of witnesses recorded and
other supporting documents filed. On the basis of the
aforesaid, I take cognizance of the alleged offences.*

*Vakalatnama filed on behalf of accused.
Same is taken on record.*

*Copy of charge-sheet along with its
annexed document be supplied to the accused against due
acknowledgment.*

*Put up for scrutiny of documents/
consideration of charge on 17.10.2025.*

*Rehnumai of accused after every 14 days
through VC.*

(sd/-)”

37. Order dated 17.10.2025 of Sh. Gaurav Goyal, Ld. JMFC, THC is reproduced as under :

*“Present : Sh. Rajinder Kumar, Ld. Addl. PP for the
State.
Sh. Saimon Farooqui and Sh. Bipul Kumar
and Sh. Mohd. Azam Khan, Ld. Counsels
for accused.
Sh. Sachin Bansal, Ld. Counsel for the
complainant.
Accused produced from JC.*

*Today, the matter was fixed for appearance
of accused and consideration on charge.*

*Oral arguments led on behalf of accused.
Oral arguments also led on behalf of
complainant.*

*Both the parties are at liberty to file written
arguments on the NDOH.*

*Put up for consideration on charge on
20.11.2025.*

Rehnumai of accused after every 14 days through VC.

(sd/-)”

38. Order dated 20.11.2025 of Sh. Kartik Taparia, Ld. JMFC-06, THC is reproduced as under :

The undersigned is working as Link Court of Ms. Mansi Malik, Ld. ACJM-02, Central, THC, Delhi.

Both the Ahlmads of this Court are on leave today.

“Present : Sh. Rajinder Kumar, Ld. Addl. PP for the State.

Sh. Sachin Bansal, Ld. Counsel for the complainant through VC.

Sh. Saimon Farooqui, Sh. Bipul Kumar and Sh. Dhruv Kukreja, Ld. Counsel for the accused Ajay Yadav.

Accused produced from JC.

It is submitted by Ld. Counsel for the complainant that a connected matter against the same accused is pending for 05.02.2026 for the same purpose. Request is made to keep the present matter also for the same date of hearing.

The same is disputed by the Ld. Counsel for the accused stating that the facts are totally different in both the FIRs. It is further submitted that a quashing petition has already been preferred against the present FIR, however, there is no stay in the same.

Written arguments filed on behalf of the accused, the same are taken on record. Copy supplied.

Put up for arguments on the point of charge for 05.02.2026 at 12.00 Noon.

(sd/-)”

39. Order dated 05.02.2026 of Sh. Kartik Taparia, Ld. JMFC, THC is reproduced as under :

“Present : Sh. Rajinder Kumar, Ld. Addl. PP for the State.

Ms. Arti Sharma, Ld. Counsel for the complainant along with the complainant.

Sh. Saimon Farooqui, Sh. Mohd. Azam Khan and Sh. Dhruv Kukreja, Ld. Counsels for the accused.

Accused produced from JC.

IO SI Manoj Kumar in person.

Further arguments heard on the point of charge on behalf of the accused.

Ld. Proxy Counsel seeks adjournment on the ground that the main counsel is not available today. Adjournment is also sought by Ld. Addl. PP for the State by stating that the file is bulky and he requires some time to go through the same. Request is allowed.

Put up for further arguments on the point of charge for 17.03.2026 at 12.30 P.M.

Rehnumai of accused after every 14 days through VC.

“(sd/-)”

40. Considering the facts and circumstances, I am of the considered view that before proceeding further it is important to mention here that on being enquired from the Ld. Counsel for the applicant / accused, in respect to the pendency of the quashing petition that before considering the request for filing and maintainability of the successive bail application (as the present bail application on the ground of change of circumstances), the present bail application **is also liable to be dismissed solely on the ground of concealment of material fact** i.e. the present applicant/accused has also filed a quashing petition before the Hon'ble High Court of Delhi which is pending disposal **but this fact has not been incorporated in the present bail application**, as is clear from the trial court record vide order dated 20.11.2025, which upon appraisal, Ld. Counsel for the applicant / accused fairly conceded and requested to proceed with the matter.

41. So far as contention qua consideration of the present bail application on solely ground of change in circumstances is concerned, I am of the considered view that since the dismissal of the bail application by the Hon'ble High Court of Delhi vide order dated 02.12.2025, in which all the contentions raised in the present application have already been dealt with, as is clear from the order as referred in para No.28 above, only on one occasion case was

being heard by the Ld. Trial Court i.e. on 05.02.2026, in which even part arguments heard and now the matter is fixed for 17.03.2026 for arguments on the point of charge. Hence, I am of the considered view that it is well settled law that the period of incarceration for the one date of hearing cannot be said to be the change in circumstances materially, in view of the judgment relied upon by the Ld. Counsel for the complainant in the case titled **State of Maharashtra Vs. Captain Buddhikota Subha Rao, 1989 Supp (2) SCC 605**, therefore, the present bail application is **dismissed** accordingly.

42. It is clarified herein that the observations made while disposing off the present application shall not tantamount to the expressions on the merits of the case.
43. A copy of this order be given *dasti*.

(**Rakesh Kumar-IV**)
ASJ (Electricity) - 01,
Central/Tis Hazari Courts/Extn. Block/
Delhi/13.03.2026 (ts)