

Bail Matter No. 1129/2026
STATE OF DELHI Vs. DEEPAK @ KALIA @ JAANU
FIR No. 69/2026
PS (DBG Road)

04.06.2026

This is the application under Sec. 483 BNSS moved on behalf of applicant/accused namely Deepak @ Kalia @ Jaanu for grant of regular bail.

Present Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Anil Saharan, Ld. Counsel for accused/applicant.
IO ASI Mohan Lal in person.

Ld. Counsel for accused/applicant submits that no bail application is pending before the Hon'ble High Court of Delhi or the Hon'ble Supreme Court of India.

Ld. Counsel for accused/applicant submits that accused is in JC since 25.02.2026. He submits that accused/applicant has been falsely implicated in the present case. He further submits that alleged incident took place at night time and in these circumstances, it was not possible for the complainant to see the face of the person who committed the offence. He further submits that the mobile phone has already been recovered and the accused/applicant is not required for further investigation in the present case. He further submits that charge sheet in the present case has already been filed and no fruitful purpose will be served by keeping accused/applicant in J.C. With respect to change in circumstances, he submits that first bail application of accused/applicant was dismissed before the

filing of charge-sheet and now the charge-sheet has been filed. He submits that present bail application may be allowed.

Per contra, Ld. Addl. PP for the State submits that accused/applicant has been arrested on the identification of complainant and since there was no enmity between the complainant and the accused/applicant, there is no question of his false implication in the present case. He further submits that accused/applicant is previously involved in several cases of similar nature and if he is granted bail, he may again offences of similar nature. He further submits that first bail application of accused/applicant was dismissed on 27.04.2026 and thereafter no substantial change in circumstances has taken place. He submits that present bail application should be dismissed.

I have heard the submissions and perused the record. The alleged offence committed by the accused/applicant is serious in nature. The complainant and the accused/applicant were not known to each other and hence it cannot be said that accused/applicant has been falsely implicated in the present case. The case property i.e. mobile phone of complainant has been recovered from the possession of accused/applicant for which he has not given any explanation. The accused/applicant is previously involved in several cases of similar nature and by committing the offence in the present case, he has violated the conditions of bail in other cases. Since, the accused/applicant is involved in several cases of similar nature, chances for his reformation seems to be very bleak. Keeping in

view, the previous conduct of accused/applicant, this court is of considered opinion that if accused/applicant is granted bail, he may again commit offences of similar nature.

The changes in circumstances for the purpose of bail application are to be seen in the light of law laid down by Hon'ble Apex Court in this regard.

Hon'ble Supreme Court of India in case titled as **State of Maharashtra Vs. Captain Buddhikota Subha Rao cited as AIR 1989 SC 2292** has held that the successive bail applications can be entertained by the Court when the substantial case is established by the accused, which would entitle him for getting bail in successive bail application. The Court should not pass the order of releasing him on bail in successive bail application merely establishing some cosmetic change during the period between two applications would entitle the accused for bail.

Similarly in **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav & Anr. (2005) 2 SCC 42** Hon'ble Supreme Court of India has observed as under:-

“This Court also observed that though the accused has a right to make a successive application for grant of bail, the Court entertaining such subsequent applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the Court also has a duty to record what are the fresh grounds which persuaded it to take a view different from one taken in earlier application”.

In **Kalyan Chandra Sarkar (Supra)**, it was also held that successive bail applications cannot be entertained only on the ground that accused is in custody for a long period.

The first bail application of accused/applicant was dismissed on 27.04.2026 after which the charge-sheet has been filed. Filing of charge-sheet has further strengthened the case of the prosecution. Hon'ble Apex Court in '**Virupakashappa Gouda and Ors. Vs. The State of Karnataka and ors., MANU/SC/0344/2017**' observed that "*filing of the charge sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of charge sheet establishes that after due investigation the investigating agency, having found material, has placed the charge sheet for the trial of the accused persons.*"

Applying the law laid down by the Apex Court in **Captain Buddhikota Subha Rao (Supra)**, **Rajesh Ranjan @ Pappu Yadav (Supra)** and **Virupakashappa Gouda (Supra)**, this Court is of considered opinion that there are no substantial change in circumstances after the dismissal of earlier bail application to consider the present bail application.

Accordingly, keeping in view the gravity of the offence, previous involvement of accused/applicant in other cases, stage of inquiry/trial and no change in circumstances, this Court does not find any merit in the present bail application.

Accordingly the present bail application filed under Section 483 BNSS for grant of regular bail is hereby dismissed.

The observations made herein shall not have any effect on the merit of case.

The bail application stands disposed off accordingly.

Copy of this order be given Dasti to all concerned.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :04.06.2026