

Bail Application No. 1091/2026
State Vs. Shiva
FIR No. 237/2026
PS: Nabi Karim
U/s: 110/3(5) BNS

02.06.2026

This is the first application under Sec. 482 BNSS filed on behalf of applicant/accused namely Shiva for grant of anticipatory bail.

Present : Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Vineet Kumar, Ld. Counsel for applicant/
accused.
IO/ASI Surender in person.

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

Reply to the bail application has been filed by IO. Same is taken on record. A copy thereof has been supplied to Ld. Counsel for accused/applicant.

Ld. Counsel for accused/applicant submits that accused has been falsely implicated in the present case and he is not involved in the incident. He submits that in the CCTV footage, accused/applicant cannot be seen beating the complainant and his presence at the spot itself does not amount to an offence. He further submits that co-accused persons and the complainant are relatives and some property dispute is going on between them and the accused/applicant is not connected with said dispute. He further submits that a cross-FIR has also been registered against complainant. He further submits that

accused/applicant is a young boy, aged about 21 years who is not involved in any other case. He further submits that accused/applicant is ready to join investigation and no fruitful purpose will be served by the arrest of accused/applicant. He further submits that accused/applicant may be granted anticipatory bail.

Per contra, Ld. Addl. PP for the State submits that in the CCTV footage the entire incident has been covered in which accused/applicant along with his associates can be seen following the complainant who was running in injured condition and hence he was member of unlawful assembly. He further submits that complainant was given beatings by the members of unlawful assembly and hence accused/applicant is also liable for the said acts. He further submits that there is no property dispute between the complainant and the co-accused persons. He further submits that accused/applicant is absconding and notice under Sec. 35(3) BNSS was served upon the father of accused/applicant but accused/applicant did not join the investigation. He submits that investigation is at initial stage and custodial interrogation of accused/applicant is required. He submits that present application for anticipatory bail should be dismissed.

I have heard the submissions and perused the record.

The alleged offence committed by the accused/applicant is serious in nature. As per the contents of CCTV footage played in the court, the complainant can be seen running to save himself and the accused/applicant and his associates can be seen following him after which the complainant

was given beatings by laying him down in the middle of street by the members of unlawful assembly. One co-accused can also been seen beating the complainant with danda/iron rod on all parts of his body including his head in furtherance of common intention of all the accused persons. Notice under Sec. 35(3) BNSS was served upon the father of accused/applicant and his house was also raided by the police several times but he did not join the investigation and hence protection available to the accused/applicant as per the law laid down by the Hon'ble Supreme Court of India in '**Satender Kumar Antil & Ors. Vs. CBI & Ors.**' is gone. The accused/applicant is absconding and in these circumstances, this court is of considered opinion, if the accused/applicant is granted anticipatory bail, he may not co-operate in the investigation and he may not appear before the court during the trial.

In view of the facts and circumstances of the case, I do not find any merits in the present application for grant of anticipatory bail to the accused/applicant.

Accordingly, the present bail application filed under Sec. 482 BNSS for grant of anticipatory bail to the accused/applicant is hereby dismissed.

The observations made herein shall not have any effect on the merits 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 :02.06.2026