

Bail Matters 827/2026
STATE Vs. AKSHAY CHAUHAN
FIR No. 9/2026
PS- (Crime Branch-South East)
u/s 9/11 PEA & Sections 318/316(2)/61(2)/112/3(5) BNS

02.04.2026

Present application has been taken up in terms of Order No. 10 dated 06.03.2026 passed by Ld. Principal District and Sessions Judge, SED, Saket Courts, New Delhi. (Roster)

This is an application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, filed on behalf of the applicant/accused Akshay Chauhan for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Sanjiv Malik, Ld. Counsel for the
applicant/accused.

1. Vide this order, this Court shall adjudicate upon the regular bail application filed on behalf of the applicant/accused Akshay Chauhan. Arguments were heard at length, the gist whereof is discussed hereunder.

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 15.01.2026. Ld. Counsel further submitted that the applicant/accused has been falsely implicated in the present matter as he has nothing to do with the alleged offences and that the allegations levelled against the applicant/accused are false and fabricated. Ld. Counsel further submitted that no recovery has been effected from the applicant/accused or at his instance and he was arrested merely on the disclosure statement of co-

accused and the same is inadmissible in law. Ld. Counsel further submitted that the applicant/accused had himself come forward and joined the investigation in the present matter and has already undergone 14 days PC remand and further, the investigation in the present case stands complete with the filing of the chargesheet. Ld. Counsel further submitted that the co-accused Amit Kumar has already been granted bail by this court vide order dated 01.04.2026. Ld. Counsel further submitted that the applicant/accused has clean past antecedents. Ld. Counsel further submitted that in the present case, the investigation has already been completed and chargesheet has been filed before the concerned court, therefore, no fruitful purpose would be served by keeping him behind the bars further. Ld. Counsel thus, prayed that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him by this court.

3. *Per contra* Ld. Addl. PP for the State along with opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP along with IO further submitted that the applicant/accused is an active member of an organized criminal syndicate and the offence is grave, involving large-scale manipulation of public examinations and that the applicant/accused played a central role in the conspiracy. Ld. Addl. PP further submitted that the applicant/accused is the principa architect of the conspiracy and his role is central and pivotal and there is likelihood of influencing witnesses and

tampering with evidence. Thus, the applicant/accused ought not to be granted bail.

4. I have heard the learned counsel for the opposite parties and also perused the records.

5. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment, the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc. However, at the same time, period of incarceration is also a relevant factor that is to be considered.

6. At the outset, it is a settled principle of law that bail is the rule and jail is an exception, particularly when the investigation is complete and the accused is no longer required for custodial interrogation. In the present case, it is an admitted position that the chargesheet has already been filed, the applicant/accused has remained in custody and no further custodial interrogation of the applicant/accused is required.

7. The allegations against the applicant/accused primarily rest upon the disclosure statements of co-accused, alleged monetary transactions and circumstantial association with other accused persons. It is trite law that disclosure statements of

co-accused are weak pieces of evidence and cannot be the sole basis for denial of bail at this stage. Reliance in this regard has been placed upon the judgment of Hon'ble Supreme Court in **Toofan Singh vs. State of Tamil Nadu (2021) 4 SCC 1 Crl. Appeal No. 152 of 2013.**

8. Further, during the course of arguments, Ld. Counsel for the applicant/accused submitted that the ownership documents and the rent agreement pertaining to the laboratory in question filed by the investigating agency with the chargesheet are written in Tamil language, whereas the statements of the relevant witnesses/signatory to the said documents have been recorded in Hindi language and also, there is no translation attached with the said documents, and thus, it creates doubts over the prosecution story and it is evident that the Investigating agency has deliberately planted the false case upon the present applicant/accused. Ld. Counsel further submitted that as per the allegations made by the investigating agency, there were about 200 applicants/aspirants of the exam, who were in regular touch with the present applicant/accused through whatsapp chats, however, IO has not interrogated anyone of the said applicants/candidates. IO has not placed on record the details of the said applicants nor he examined or recorded their statements. Further, IO has also not placed on record a single document to connect/link the present applicant/accused with the functionaries of the laboratory.

9. Further, I note that no recovery has been effected from the present applicant/accused and the alleged monetary

transactions are yet to be conclusively established during trial. Besides that, the applicant/accused is stated to have no previous criminal antecedents and there is nothing on record to suggest that he is likely to abscond. Continued incarceration of the applicant/accused for an indefinite period would not serve the ends of justice.

10. In the aforementioned circumstances, taking into account the submissions and the fact that investigation is complete, chargesheet has been filed before the concerned court, and further, admittedly, the custodial interrogation of the applicant/accused is not required and that, the co-accused Amit Kumar has already been enlarged on bail, and also that, no previous involvement of the applicant/accused has been reported by the IO in any other criminal case, I deem it fit to grant regular bail to accused Akshay Chauhan, on his furnishing personal bond with surety bond of Rs. 30,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC/Court concerned, subject to the following conditions:

i) The applicant/accused shall not try to contact or influence the complainant/victim in any manner;

ii) He shall not tamper with evidence in any manner and shall regularly appear before the concerned court on each and every date of hearing; and

iii) He shall also furnish his mobile phone and mobile phone of his surety to the IO and shall keep his mobile phone operational round the clock and shall share his Google PIN to IO.

11. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the regular bail application stands disposed of.

12. In compliance of **Sanjay Singh Vs. State (Govt of N.C.T of Delhi) Writ Petition Criminal 974/2022**, copy of this order be sent to concerned Jail Superintendent to convey the order to inmate.

13. Copy of the order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /02.04.2026