

Bail Matters No.508/2026
State VS. Gaurav @ Bihari
FIR No.626/2025
PS Model Town
u/s 109(1)/191(3)/61(2) BNS

19.03.2026

Video Conferencing facility is active throughout the proceedings during the day.

This is 2nd application under Section 483 BNSS for grant of regular bail placed before me being Roster Judge, North District moved on behalf of applicant/accused **Gaurav @ Bihari**.

Present: Sh. Sanjay Jindal, Ld. Substitute PP for the State.
Sh. Jaiveer Singh, Legal Services Advocate (LSA) for the prosecutrix from DLSA.
Sh. Yogesh Pandey and Sh. H.B. Jha, Ld. Counsels for the applicant/accused.
IO/SI Joginder Singh in person.

TCR received.

Reply to the bail application has already been filed.

Submissions heard. Record perused.

ARGUMENTS ON BEHALF OF ACCUSED/APPLICANT

1. Ld. Counsel for the applicant/accused has submitted that the applicant/accused is in JC since 22.12.2025. He submitted that applicant/accused has been falsely implicated in the present case and is himself a victim of the incident, as the complainant and the injured, along with their associates, were allegedly trying to assault him with a knife. He further submitted that the complainant was seen carrying a knife and that the applicant neither assaulted the complainant nor the injured. Ld. Counsel further submitted that the prosecution story, as reflected in the FIR, is false, concocted and baseless. Ld. Counsel further

argued that the prosecution version is fabricated and has been put forth only to divert attention from the true facts and to conceal lapses in the investigation. Ld. counsel submitted that, as per the MLC, the complainant was under the influence of alcohol and that the complainant, along with his associates, had in fact attempted to abduct and assault the applicant. He also submitted that the video recording of the incident shows the applicant trying to escape from the spot and not carrying any weapon. Ld. Counsel further submitted that, as per the charge-sheet, no blood stains were found at the spot and no exhibit relating to blood stains was lifted by the crime team and that the victim himself was badly drunk at the time of incident. Ld. counsel further contended that the conduct of the complainant, as seen in the video footage, is inconsistent with the allegations made in the FIR and that the complainant's version is contradictory in nature. He further submitted that the complainant himself was carrying a sharp-edged knife and had attempted to attack the applicant and others. He submitted that co-accused persons have already been granted bail by the concerned Ld. Sessions Court. He further submitted that the complainant is actively using social media and uploading videos, which, according to the defence, shows that there is no likelihood of the applicant tampering with evidence or threatening witnesses. Ld. counsel also submitted that the applicant is only 18 years of age and that his continued custody at such a young age would seriously prejudice his future. He also submitted that the applicant/accused is ready to abide by any conditions, if he is released on bail. Ld. Counsel for the applicant/accused also submitted that there are

no chances of the applicant/accused of absconding or tampering with the evidence.

ARGUMENTS ON BEHALF OF STATE

2. Ld. Substitute Addl. PP for the State has strongly opposed the bail application stating that the allegations against the applicant/accused are serious in nature being punishable u/s 109(1)/191(3)/61(2) BNS. He submitted that the applicant/accused has also previous involvement in one other criminal case and that he may commit the same offence and he may jump the bail, if granted. Ld. Addl. PP has further argued that the accused plays an active role in the group and he has been involved in all minor to major incidents that have occurred so far, including both reported and unreported matters. He further argued that the present application be dismissed as allegations are grave and serious in nature and chances of influencing the witnesses or tampering with the evidence by the applicant/accused cannot be ruled out.

FINDINGS / CONCLUSION

3. Record shows that the applicant/accused is a young boy aged around 18 years who is in JC since 22.12.2025. Chargesheet qua the applicant/accused has already been filed indicating that investigation is complete and the applicant/accused is not required for any further custodial interrogation/investigation. It is evident from the record tht the Recovery has already been effected. The victim/injured has already been

discharged. Needless to state that commencement and conclusion of trial may take substantial time. Furthermore, co-accused persons are already on bail.

4. Considering the aforesaid observations and the present facts and circumstances, this court is of the view that no fruitful purpose will be served by keeping the applicant/accused behind bars. Accordingly, the present application is allowed and the applicant/accused is admitted to bail, on furnishing personal bond/surety bond in the sum in the sum of **Rs.40,000/-** with one surety of the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC subject to the following conditions:-

- (A) He shall appear before the Court on each and every date of hearing scrupulously;
- (B) He shall not commit similar offence in future;
- (C) He shall provide his mobile number to the IO and keep it operational for all the time;
- (D) He shall not tamper with the evidence or influence/threat any witness.
- (E) The applicant/accused shall intimate the Court in advance in case of change of his residential address.
- (F) He shall not leave India without prior permission of the concerned Court.
- (G) He shall join the further investigation, if any, as and when directed by the IO/SHO concerned.

5 Breach of any of the above said conditions shall entail cancellation of bail and IO may file appropriate application observing any breach by the applicant/accused.

6 Before parting with the present order, this Court deems it pertinent to note that, during the course of arguments, it was brought to the notice of the Court by Ld. counsel for the applicant/accused that illegal sale of liquor is taking place openly on G.T. Road in the organized manner in the concerned area of PS Model Town due to which youngsters are indulging in incidents like present one. Considering the submission of Ld. counsel for the applicant/accused, this Court considers it appropriate to issue notice to the DCP concerned with direction to inquire and to take all necessary preventive and remedial measures in accordance with law so as to curb such organized criminal activities.

7 Copy of this order be also sent to the DCP concerned for compliance.

TCR be sent back to the Court concerned.

Copy of the order be given dasti.

Nothing stated hereinabove shall tantamount to expression of opinion on the merits of the case. Copy of this order be also sent to the concerned Jail Superintendent for information.

(Viplav Dabass)
ASJ: Special FTC (North)
Rohini Courts: Delhi/19.03.2026