

**IA No. 04/2026 in SC SC 470/2025
STATE Vs. KALAM ETC
FIR NO. 315/2025
PS Bawana
U/s 309(4)/311/317(2)/3(5) BNS**

25.02.2026

**This is an application under Section 483 BNSS
moved on behalf of the accused/applicant namely Md. Nijam.**

Present: Dr. Sarita Rani, Ld. Additional PP for the State.

Sh. Mayank Chauhan, Ld. Counsel for accused/
applicant.

Reply to the bail application has already been filed.

1. Brief facts of the case are that the present FIR had been registered on the statement of complainant Balram, who stated that on 20.05.2025, when he came at Sai Dharam Kanta, Sector 1, DSIIDC, Bawana, for weighing of his vehicle and parked his vehicle near Sai Dharam Kanta and went to nearby shop to purchase some edible, then two boys came from behind and one of them caught him from behind and another forcefully took out Rs.6000/- at knife point from the right pocket of his lower.

2. It is argued by Ld. Counsel for applicant/accused that the applicant/accused is an innocent person and he has been falsely implicated in the present case. It is further submitted that applicant/accused is in JC since 20.05.2025. It has been further argued complainant PW1 Balram has not supported the case of the prosecution and not identified the accused persons as the

persons, who robbed him. It is submitted that no purpose would be served to keep the accused in custody. That accused is ready to abide by all the terms and conditions. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Addl. PP for the State has vehemently opposed the bail application and argued that allegations against the applicant / accused are serious in nature, hence, prayer is made for dismissal of the bail application.

4. I have heard the Ld. Addl. PP for State and Ld. Counsel for applicant/accused.

5. In the case of **The State of Rajasthan Vs. Bal Chand, 1977 (4) SCC 308**, the Hon'ble Supreme Court of India has observed as under:

“The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the court. We do not intend to be exhaustive but only illustrative.”

In the case of **Sanjay Chandra Vs. CBI 2012(1) SCC 40**, the Hon'ble Supreme Court of India has observed as under:

“.. We do not see any good reason to detain the accused in custody, that too, after the completion of the investigation and filing of the charge-sheet.”

In the said case of Sanjay Chandra (supra), the Apex Court further held as under:

“This Court, time and again, has stated that bail is the rule and committal to jail an exception.

It is also observed that refusal of bail is a restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution.”

6. Applicant is running in J/C since 20.05.2025. Charge has already made. Matter is at the stage of PE. PW1 complainant Balram has not supported the case of the prosecution. There is no other public witness, who remains to be examined.

7. In view of the guidelines of the Hon'ble Supreme Court in judgments, cited above and also seeing the totality of facts and circumstances of the present case, no purpose would be served by keeping the applicant/accused in further custody, the applicant/accused Md. Nijam is admitted to bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount, who is permanent resident of Delhi/NCR, to the satisfaction of concerned Ld. MM/Link MM/Duty MM but subject to the following conditions:

- (a) The applicant/accused shall attend the court proceedings regularly.
- (b) That in case of change of his residential addresses, he shall intimate the Court about the same.
- (c) The accused shall not leave the country without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
- (e) The applicant/accused shall not try to contact or influence the witnesses, in any manner,

directly or indirectly.

Application stands disposed off.

8. *It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.*

9. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(VANDANA)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
25.02.2026