

20.05.2026

Present : Sh. K.D. Pachauri, Ld. Addl. PP (Subs.) for the State.
Ld. Counsel for applicant/accused Neelkanth Tiwari
@ Pilla @ Bajrang.

SI G.S. Meena is present on behalf of the IO.

An application u/s 483 BNSS has been moved on behalf of applicant/accused Neelkanth Tiwari @ Pilla @ Bajrang seeking regular bail.

Reply to the present application is filed by the IO.

Submissions on the present bail application heard and record perused.

Ld. Counsel for the applicant/accused submits that the applicant/accused is innocent and he has been falsely implicated in the present case. It is being further submitted that the applicant/accused is the sole bread earner of his family. It is further submitted that the chargesheet has already been filed. It is further submitted that nothing has been recovered from the possession of the applicant/accused. It is further submitted that the applicant/accused was arrested only upon the disclosure made by the co-accused which has no validity in the eyes of law. It is further submitted that co-accused Rajji Abbas @ Abbas has already been granted regular bail by this Court vide order dated 06.03.2026. It is further submitted that the applicant/accused is in JC since 21.05.2025 and it will take considerably long time to conclude the trial. It is further submitted that jail is an exception but bail is a rule as has been held in catena of judgments.

It is further submitted by the Ld. Counsel for the applicant/accused that no other bail application of the applicant/accused is pending consideration before any Superior Courts or any other Court.

Ld. Addl. PP (Subs.) for the State has strongly opposed the present application and has prayed for its dismissal contending that the applicant/accused alongwith his co-accused persons had attacked the complainant Dalip with a *patiya (pathhar ki silli)* on his head and they also attacked the aforesaid complainant and his wife Ms. Ruby with stones and bricks thereby causing injuries to them. It is further contended that the matter is at the stage of charge and if the applicant/accused is released on bail, chances of his threatening the material public witnesses/complainant and tamper with the evidence, cannot be ruled out.

I have heard Ld. Counsel for the applicant/accused, Ld. Addl. PP (Subs.) for the State and have perused the record.

In case titled ***State of Rajasthan Vs. Balchand, (1977) 4 SCC 308***, Hon'ble Apex Court has opined as under:

"2. 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."

Perusal of record reveals that the chargesheet for the offence u/s 110/3(5) BNS has been filed against the accused persons in this case. As per the opinion on the MLC of the

complainant Dalip, he suffered simple injuries. Co-accused Rajji Abbas @ Abbas has already been granted regular bail by this Court vide order dated 06.03.2026. Conclusion of the trial is likely to take considerable time. Accordingly, keeping in view the fact that the applicant/accused is in JC since 21.05.2025 and he cannot be made to suffer pre-trial incarceration, applicant/accused **Neelkanth Tiwari @ Pilla @ Bajrang is admitted to bail** on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of this Court and subject to the following conditions :

- (i) The applicant/accused shall appear before the court on each and every date and shall not delay the trial;
- (ii) The applicant/accused shall provide all his mobile numbers to the IO concerned, which shall be kept in working condition at all times and shall not change the mobile number without prior intimation to the IO concerned;
- (iii) The applicant/accused shall also furnish his current residential address to the IO and shall keep him inform about any change;
- (iv) The applicant/accused shall not indulge himself in any criminal activity; and
- (v) The applicant/accused will not threaten or influence the prosecution witnesses or tamper with evidence or create any sort of impediment in the trial etc.

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

Copy of this order be given dasti to the Ld. Counsel for the accused and to the IO and be also sent to Jail

Superintendent concerned and DLSA, North, Delhi for information.

The present bail application stands disposed of in terms of the above order.

Put up on date already fixed i.e. on **11.06.2026** for purpose already fixed.

(PREM KUMAR BARTHWAL)
Principal District & Sessions Judge
North District/Rohini Courts/Delhi
20.05.2026 (dv)