

**27.04.2026**

Present : Ld. Addl. PP for the State.  
None for applicant/ accused.

1. The application u/s.483 BNSS, 2023 has been moved on behalf of the applicant/accused **Anil Rathore** seeking **regular bail**.

2. Ld. Counsel for the applicant/accused has submitted that no similar application of the applicant/accused is pending before any other court.

3. Reply already filed, copy thereof already supplied.

4. Ld. Counsel for the applicant/accused argued on the lines of bail application. During the course of arguments, Ld. Counsel for the applicant/accused has submitted that applicant/accused is aged about 28 years of age having a wife and two minor children aged about 5 years and 3 years respectively. It is further submitted that applicant/ accused used to run a *kiryana* (grocery) shop and he is the sole bread earner of his family. It is further submitted that applicant is innocent and has falsely been implicated in the present case. It is further submitted that

applicant/ accused had filed an application seeking grant of regular bail, which was dismissed as withdrawn vide order dt. 11.02.2026. Ld. Counsel further submits that another application seeking regular bail was moved by applicant/ accused before Hon'ble Delhi High Court which was also dismissed as withdrawn vide order dt. 16.03.2026 and in compliance of order dt. 16.03.2026 of Hon'ble Delhi High Court, applicant has preferred the present application. It is further submitted that applicant was arrested in this case on 07.09.2025 and investigation of the case is already complete, as chargesheet has already been filed and matter is listed for arguments on charge. Ld. Counsel further submits that IO has falsely implicated the applicant/ accused in the present case by concocting a false story and fabricating the documents. It is further submitted that IO has deliberately and intentionally not seized the CCTV footage, either from inside the Yash Bar and Restaurant or from outside of it, on time and the CCTV footage, on record, from Spicy Affair Bar and Restaurent was seized after a lapse of 24 days i.e. on 01.10.2025. It is further submitted that IO has not complied the mandatory provisions of section 105 BNSS at the time of seizure of DVR of CCTV footage which is fatal for the case of the prosecution. Ld. Counsel further submits that there is no evidence on record to indicate that applicant/ accused caused injury to deceased Habibul Rehman, as two alleged eye witnesses namely Mukul Tomar and Sunny Kashyap in their statements have stated that deceased had received the head injury of his own during his dance with a beer bottle. It is further submitted that IO has also not seized any CCTV footage of

Kia Seltos Car. It is further submitted that CDRs of applicant/ accused and injured Habibul Rehman indicate that they had never visited Ghazipur, U.P. on the fateful night. It is further submitted that the complainant Sabir made first call to police only at 12:59 PM on 06.09.2025, upon which, GD No.54A was recorded which was marked to SI Vikas Rathi but SI Vikas Rathi had not responded. Therefore, the complainant made another similar call to the police at 21:17:09 Hrs., upon which, GD No.91-A was recorded which was marked to SI Manish Kumar. It is further submitted that complainant Sabir had reported to the police, in both the aforesaid calls that he had met the injured at Rani Public Stand and at that time injured Habibul Rahman (since deceased) was not wearing any clothes. Ld. Counsel further submits that complainant further disclosed that his brother was not in a position to walk, thereafter, he took his brother to Kaushik Hospital, from his residence, at about 08:00 AM and the doctors told him that his brother had already expired. It is further submitted that the duty constables/duty officers at Kaushik Hospital, Burari have not given any intimation to the PCR, or to the PS in the morning of 06.09.2025, when the injured Habibul Rehman was brought to the Kaushik Hospital, Burari, by his father Sanif Rehman and GD Nos. 54A and GD No. 91A were not recorded on their calls. It is further submitted that the duty officers at Kaushik Hospital, Burari, were duty bound to inform the police station, in the morning itself, when the injured Habibul was brought to Kaushik Hospital, Burari, at 11:13 am and was declared 'BROUGHT DEAD', by the Doctors. They are not even the prosecution

witnesses. It is further submitted that as per the doctors, MLR and the MLC No. 5089/2025, the injured Habibul Rahman was taken to Kaushik hospital by his father 'Sanif' at about 11:13 am, and not by the complainant Sabir Rehman at about 08:00 am. It is further submitted that the I.O has not recorded any statement of Sanif Rehman, the father of the deceased and he is not even made a prosecution witness. It is further submitted that FIR was not registered on the statement of father of deceased. It is further submitted that the I.O. has concocted the story that applicant/accused along with co- accused Aman and Vicky had also accompanied the injured Habibul Rehman, with the complainant Sabir and his brother-in-law Joshim to his residence, where they changed his clothes and bandaged his wounds. It is further submitted that as to why the applicant/accused would abandoned his car at Rani Public Stand and accompanied the complainant and the injured to their residence, on a motorcycle, when the applicant/accused had already brought the injured Habibul Rahman, to Rani Public Stand, in his car and what prevented him from taking the injured to his residence in the same car. Ld. Counsel further submits there is no such explanation as to why the applicant/petitioner would have shifted the injured Habibul Rehman from his car to the scooty of complainant. It is further submitted that the conduct of Nasira, Joshim and Sabir is highly abnormal and suspicious, as, Nasira (wife of injured Habibul Rahman), complainant Sabir and her brother Joshim had all left the injured Habibul in his room alone allegedly in a very serious condition and they all went to sleep in their separate rooms. It is further submitted that in case, the injured

Habibul Rehman was in a serious condition, why the complainant Sabir, his wife Nasira, his father Sanif and Joshim (his brother- in-law) had not insisted and prevailed upon the injured and other persons to take him to the nearest hospital. Therefore, it shows that the injured Habibul (since deceased) was not having alleged injuries at that time. It is further submitted that after alleged dropping of injured Habibul Rehman, by the applicant/accused and co- accused Aman and Vicky, at his residence at about 5 AM, the injured Habibul Rahaman had remained at his residence, in the custody of his father Sanif Rehman, his brother Sabir Rehman (Complainant), his wife Nasira and his brother-in-law Joshim, till the time he was taken to the hospital and was declared brought dead. It is further submitted that all the aforesaid persons are required to explain their abnormal conduct but the I.O. has not investigated the case, from this aspect. It is further submitted that there is an unexplained delay of about 30 Hrs. in registration of the FIR, as the alleged incident has taken place at about 1:15 AM on 06.09.2025 and the FIR was allegedly registered at about 6:38AM on 07.09.2025. It is further submitted that there is no recovery of weapon of offence i.e. DANDA or any other incriminating piece of evidence at the instance of applicant/accused despite of the fact that the I.O. had visited Ghazipur Dairy, U.P., on 09.09.2025 itself. The alleged weapon of offence was allegedly recovered from Ghazipur Dairy, U.P., on 05.11.2025, after two months, of the alleged incident, allegedly at the instance of co-accused. It is further submitted that the circumstances/facts, as alleged, does not point towards commission of any offense U/s 140(1) BNS 2023, as

there is no evidence on record, in the entire chargesheet, to substantiate the said charge, and particularly, when the injured Habibul Rahman was their friend and was allegedly dropped by the accused persons themselves at his residence. It is further submitted that the facts, as alleged in the chargesheet also does not point towards commission of any offence of 'Culpable Homicide amounting to murder', as punishable U/s 103(1) BNS 2023. Ld. Counsel further submits that the applicant/accused Anil Rathore is a permanent resident of Delhi, and there is no chance/possibility of him absconding or fleeing from justice. It is further submitted that the applicant/accused is in judicial custody w.e.f. 07-09-2025 and is no longer required for the purposes of any kind of investigation by the police, as the chargesheet had already been filed, therefore, no fruitful purpose shall be served by keeping the applicant/petitioner in judicial custody. While adducing arguments, Ld. Counsel for applicant/accused has relied upon the judgements of the Hon'ble Supreme court in case titled as, **State of Rajasthan, Jaipur V/s Balchand (1977) 4 SCC 308 & Emperor V/s H.L. Hutchinson, 1931 SCC OnLine All 14**, wherein, it was held that the grant of bail should be the rule and refusal of bail should be the exception. Ld. Counsel further submits that applicant/accused undertakes to abide by the conditions, if any, imposed by this Court, while granting bail to him. With these submissions, ld. Counsel prays for grant of bail to applicant/ accused.

5. The bail application is opposed by Ld. Addl. PP for the State stating that allegations against the applicant/accused are serious in nature. It is stated by Ld. Addl. PP for State that weapon of offence i.e. danda was recovered at the instance of co-accused Rakesh Singh @ Ronik @ Rinka and the CCTV footage of crime scene i.e. outside of the Yas Bar were obtained in which all the accused persons are seen putting the deceased in an unconscious state into the trunk of applicant/accused's car. Furthermore, Ld. Addl. PP for State prays for dismissal of the present bail application on the ground that applicant/accused may induce/ threaten the witness/ complainant or may evade himself from the trial of the case.

6. Submissions heard. Record perused.

7. In ***Prahlad Singh Bhati vs. NCT of Delhi & Ors.– (2001) 4 SCC 280***, the Hon'ble Supreme Court highlighted the aspects which are to be considered by a court while dealing with an application seeking bail which are as follows:

*“The jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behavior, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the Legislature has used the*

*words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge."*

8. In the present case, applicant / accused is charge-sheeted for offence punishable U/s. 103(1)/140(1)/3(5) BNS. The gravity of the offence is one of the factors which has to be considered by the Court at the time of hearing bail application. As per the case of prosecution, after a quarrel at Yash Bar and Restaurant, all the accused persons including present applicant took Habib Rehman (deceased) to Rinka's dairy farm in Ghazipur, Delhi by putting him in the trunk of car where they had beaten Habib Rehman with *lathies* who later died due to the injuries received by him. It goes without saying that the allegations against the applicant / accused are certainly grave and serious in nature. As far as the quality of evidence collected against the applicant is a matter of trial and same cannot be discussed in detail at this initial stage. The present matter is at the stage of framing of charge and evidence of the material witnesses is yet to be recorded. The possibility of influencing the material witnesses cannot be ruled out at this stage, if applicant / accused is released on bail. Therefore, considering the nature of allegations and role of the applicant / accused in the alleged incident, this is not a fit case to admit the applicant / accused on bail. Considering the aforesaid facts and circumstances, **the present bail application of the applicant / accused Anil Rathore is dismissed.**



9. In view of the recommendations of Rules Committee u/s. 523 of BNSS, 2023 with respect to the practice directions issued by Hon'ble Supreme Court of India in Writ Petition No. W.P.(C) 1082/2022 Subhash Chakma Vs. Union of India & Ors., the applicant can avail the free legal facility from District Legal Services Authority (North West) at Room No. 405, 4<sup>th</sup> Floor, District Court Rohini, Delhi -110085. Applicant may contact the authority on phone number 011-27555536 or through mail at e-mail ID i.e. northwest-dlsa@nic.in.

10. It is clarified that nothing observed hereinabove shall have any bearing on the merits of the case.

11. **The application stands disposed of accordingly.**

12. **Copy of the order be given dasti.**

13. **Copy of the Order be sent to applicant/ accused through concerned Jail Superintendent.**

**(MUNEESH GARG)  
ASJ-03 (NORTH-WEST)  
ROHINI COURTS  
DELHI/27.04.2026**