

Bail Matters 413/2026
STATE Vs. JANUKA NEBHAR
FIR No. 246/2025
PS- (New Friends Colony)
u/s 306/123/3(5) BNS

14.03.2026

File has been taken up today since 02nd March, 2026 was declared holiday on account of Holi festival by the Hon'ble High Court of Delhi vide order No. 64/G-4/Genl.-I/DHC dated 27.02.2026.

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 Januka Nebhar for grant of regular bail.

Present: None for the State.

Sh. Arun Sharma, Ld. Counsel for the
applicant/accused.

IO/W SI Sonika is present.

1. The regular Ld. Addl. PP for the State, attached with this court, is on leave today.

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

3. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 16.07.2025 and this is the 3rd regular bail application filed on his

behalf. Ld. Counsel further submitted that the applicant/accused is an innocent person and was not even present at the place of incident at the time when the alleged incident took place and that she has been falsely implicated in the present matter as she has nothing to do with the alleged offences. Ld. Counsel further submitted that the applicant/accused is a woman, having clean antecedents and she is a pauper and works as a domestic help to earn her livelihood, having permanent residence of Delhi. Ld. Counsel further submitted that the applicant/accused has no direct role in the alleged incident and that in the present matter, the investigation is complete and the chargesheet has already been filed, therefore further incarceration of the accused would serve no useful purpose. Ld. Counsel further submitted that the trial of the case is likely to take considerable time to conclude. 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.

4. *Per contra* IO vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. IO further submitted that the applicant/accused has actively participated in criminal planning, facilitation of entry of co-accused and sharing of stolen property which makes her role grave and serious. IO thus, submitted that bail ought not to be granted to the applicant/accused as there is strong possibility that applicant/accused may harm the complainant and tamper with the evidence.

5. I have heard the arguments and also perused the entire material available on record.

6. 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.

7. The prosecution case, in brief, is that on 01.07.2025 a PCR call was received regarding a theft at G-6 Maharani Bagh, New Delhi. The complainant reported that his mother and sister had gone out of station and during their absence the house was ransacked and valuables including jewellery and silver articles were stolen. During investigation, it was alleged that the domestic helper Kajal @ Lakshmi along with her associates and husband, committed the theft after allegedly administering an intoxicating drink to another house helper named Dayamani. Further, it is the case of the prosecution that during investigation certain CCTV footage was examined and the present applicant/accused Januka Nebhar was identified as one of the accused persons connected with the alleged conspiracy. Subsequently, she was arrested on 16.07.2025 from her residence

at Khizrabad, New Friends Colony and certain jewellery articles were allegedly recovered from her possession.

8. At the very outset, it is well settled that bail is the rule and jail is an exception, particularly where the investigation has been completed and the accused is not required for further custodial interrogation. The Hon'ble Supreme Court in **Sanjay Chandra v. CBI (2012) 1 SCC 40** has held that the object of bail is to secure the appearance of the accused at trial and that pre-trial detention should not be used as a form of punishment. Similarly, in **Dataram Singh v. State of Uttar Pradesh (2018) 3 SCC 22**, the Hon'ble Supreme Court reiterated that liberty is a fundamental right and every accused is presumed innocent until proven guilty.

9. In the present case, it is not disputed that the chargesheet has already been filed and the investigation qua the present accused stands completed. Therefore, the continued detention of the accused for the purpose of investigation is no longer required. The prosecution has alleged recovery of certain jewellery articles from the applicant/accused. However, the veracity and admissibility of the alleged recovery will be a matter of trial and cannot be conclusively determined at this stage. The material placed on record also indicates that some co-accused persons are yet to be apprehended, however the liberty of the present accused cannot be curtailed indefinitely merely on that ground, particularly when the investigation against her is complete.

10. It is also relevant to note that the accused is a woman, and under the proviso to the provisions governing bail, the court may take a liberal view while considering bail of a female accused. It is also noteworthy that the accused has no previous criminal antecedents and there is nothing on record to suggest that she is a habitual offender. Besides that, as per the report, the present applicant/accused has been chargesheeted u/s 331(4)/61(2)/3(5) BNS, which are exclusively triable by Ld. JMFC.

11. In the aforementioned circumstances, taking into account the submissions, considering the nature of allegations, the period of custody, the fact that the investigation has been completed and chargesheet has been filed and no custodial interrogation of the applicant/accused is required, I deem it fit to grant bail to accused Januka Nebhar, on his furnishing personal bond with surety bond of Rs. 25,000/- with one surety in the like amount to the satisfaction of Ld. JMFC/Link JMFC/Duty JMFC/Court concerned, subject to following conditions:

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

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

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

12. Needless to say, the above-mentioned 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.

13. 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.

14. Order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /14.03.2026