

Bail Application No. 419/2026
State Vs. Himanshu
FIR No. 04/2026
PS: Karol Bagh
U/s 309(6)/317(2)/3(5) BNS

11.03.2026

This is the third application under Sec. 483 BNSS filed on behalf of applicant/accused namely Himanshu for grant of regular bail.

Present : Sh. Shreyas Pragyanan, Ld. Addl. PP for the State.
Sh. Deepak Kumar, Ld. Counsel for applicant/
accused.
IO/SI Sachin in person.

Ld. Counsel for accused/applicant submits that no bail application is pending before the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India.

Reply to the bail application has been filed by IO. Same is taken on record. A copy thereof has been supplied to the Ld. Counsel for accused/applicant.

Ld. Counsel for accused/applicant submits that accused/applicant is in JC since 03.01.2026. He further submits that accused has been falsely implicated in the present case. He submits that no incident of robbery had taken place. He further submits that the scooty of the accused/applicant was in possession of co-accused and same was hit with the car of complainant due to which an altercation took place between them. He further submits that accused/applicant is not previously involved in any other case. He further submits that TIP of accused/applicant has failed and hence accused/applicant had no

role in commission of offence. He further submits that the accused/applicant is a young boy. With respect to change in circumstances, he submits that accused/applicant was only standing at the spot of incident and he had not participated in the commission of offence. He further submits that the investigation qua accused/applicant has already been completed and no fruitful purpose will be served by keeping the accused/applicant in JC and hence he should be granted bail.

Per contra, Ld. Addl. PP for the State submits that accused/applicant had restrained the way of the complainant and he has shared common intention with co-accused Ritik @ Karketa. The scooty of accused/applicant has been used by co-accused and the accused/applicant at the time of commission of offence. He further submits that that the abovesaid scooty has been recovered from the possession of accused/applicant. He further submits that the complainant has also recorded a video pertaining to the incident in which the face of accused/applicant is clearly visible and failing of TIP of accused/applicant does not affect the case of the prosecution on merits. He further submits that there is no change in circumstances after dismissal of earlier bail application of accused/applicant for considering the present bail application. He further submits that charge-sheet in the present case is yet to be filed and hence the present bail application should be dismissed.

I have heard the submissions and perused the record. The alleged offence committed by the accused/applicant is heinous in nature and is punishable upto life imprisonment. The

accused/applicant and the complainant were not known to each other and hence prima-facie there does not seem to be any reason for the false implication of accused/applicant in the present case as nothing has been brought on record by the Ld. Counsel for accused/applicant to substantiate his submission in this regard. The complainant has specifically mentioned the registration number of scooty in the FIR. The scooty used in the commission of offence is in name of accused/applicant and same has been recovered from his possession. An amount of Rs. 3,000/- which is part of robbed money has been recovered from possession of accused/applicant. The complainant had recorded a video pertaining to the incident in which the face of accused/applicant is clearly visible. Though, the TIP of the accused/applicant has failed but since his face is clearly visible in the video recorded by the complainant and the Ld. Counsel for accused/applicant has also admitted his presence at the spot of incident coupled with the fact that role of accused/applicant has been explained by the complainant in the FIR, it does not materially change the situation. The investigation in the present case is still going on and the charge-sheet is yet to be filed. The present case involves violence and the complainant may be influenced by the accused/applicant. Granting bail to the accused/applicant before the examination of complainant may defeat the purpose of law.

The changes in circumstances for the purpose of bail application are to be seen in the light of law laid down by Hon'ble Apex Court in this regard.

Hon'ble Supreme Court of India in case titled as **State of Maharashtra Vs. Captain Buddhikota Subha Rao** cited as **AIR 1989 SC 2292** has held that *the successive bail applications can be entertained by the Court when the substantial case is established by the accused, which would entitle him for getting bail in successive bail application. The Court should not pass the order of releasing him on bail in successive bail application merely establishing some cosmetic change during the period between two applications would entitle the accused for bail.*

Similarly in **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav & Anr. (2005) 2 SCC 42** Hon'ble Supreme Court of India has observed as under:-

“This Court also observed that though the accused has a right to make a successive application for grant of bail, the Court entertaining such subsequent applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the Court also has a duty to record what are the fresh grounds which persuaded it to take a view different from one taken in earlier application”.

In **Kalyan Chandra Sarkar (Supra)**, it was also held that *successive bail applications cannot be entertained only on the ground that accused is in custody for a long period.*

Earlier bail application of accused/applicant was dismissed on 09.02.2026.

Applying the law laid down by the Apex Court in **Captain Buddhikota Subha Rao (Supra)** and **Rajesh Ranjan @ Pappu Yadav (Supra)**, this Court is of considered opinion that

there are no substantial change in circumstances after the dismissal of earlier bail application to consider the present bail application.

Keeping in view the gravity of the offence, stage of investigation and no change in circumstances, this Court does not find merit in the present bail application.

Accordingly the present bail application filed under Sec. 483 for grant of regular bail to accused/applicant is hereby dismissed.

The observations made herein shall not have any effect on the merit of case.

The bail application stands disposed off accordingly.

Copy of this order be given Dasti to all concerned.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :11.03.2026