

Bail Matters 618/2026
STATE Vs. NEERAJ KUMAR
FIR No. 377/2021
PS- (Sarita Vihar)
u/s 323/341/308 IPC r/w Section 209 BNS

17.03.2026

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 Neeraj Kumar for grant of regular bail.

Present: Sh. S. K. Kain, Ld. Addl. PP for the State.
Sh. Umesh Sharma, Ld. Counsel for the
applicant/accused.

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

2. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been languishing in JC since 02.03.2026. Ld. Counsel further submitted that the applicant/accused is innocent and has been falsely implicated in the present case and that all the allegations levelled against the applicant/accused are totally false and fabricated. Ld. Counsel further submitted that the applicant/accused could not appear before the court concerned on the last dates of hearing as he had shifted his residence and due to the same he was not served with the summons or notice issued by the court concerned and

subsequently, he was declared PO by Ld. JMFC concerned. Ld. Counsel further submitted that the investigation of the case has been completed and the chargesheet has been filed before the court concerned without the arrest of the applicant/accused and therefore, he is no more required for any further purposes. Ld. Counsel further submitted that the applicant/accused is currently residing at C-15, 3rd Floor, Hindon Vihar, Baraula, Noida, U.P. and there is no chance of his absconding or fleeing from trial. Ld. Counsel thus, submitted that applicant/accused ought to be granted bail and he is ready to abide by all the terms and conditions imposed upon him while granting the bail.

3. *Per contra* Ld. Addl. PP for the State vehemently opposed the bail application citing the gravity of the offences as one of the main grounds. Ld. Addl. PP further submitted that there is a strong possibility that if the applicant/accused is granted bail, he may flee from criminal justice as he was declared PO by the Ld. JMFC concerned and he may also influence/threaten the complainant/victim and tamper with the evidence and thus, applicant/accused ought not to be granted bail.

4. I have heard the arguments addressed by the opposite parties and perused the record.

5. 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.

6. During the course of arguments, it was brought to the fore that in the present matter, investigation has already been completed and the chargesheet has also been filed before the concerned court. No further custodial interrogation of the applicant/accused is required for the further purpose of investigation. The purpose of detention during investigation is primarily to ensure proper investigation and to prevent interference with the process of justice. However, once the investigation is substantially complete and the chargesheet has been filed, continued incarceration must be justified by compelling circumstances. The Hon'ble Supreme Court in **Sanjay Chandra vs CBI (2012) 1 SCC 40** has held that the object of bail is to secure the appearance of the accused during trial and that detention before conviction should not become punitive.

7. In the aforementioned circumstances, taking into account the submissions and the fact that investigation is complete, chargesheet has been filed, no custodial interrogation of accused is required and that the injuries sustained by the injured are simple in nature and as per the report, the complainant has no objection if the applicant/accused is granted bail and further, the applicant/accused has no previous

involvement in any criminal case except the instant one, I deem it fit to grant bail to accused Neeraj Kumar, on his furnishing personal bond with surety bond of Rs. 20,000/- with one surety in the like amount, subject to following conditions:

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

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

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

8. 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.

9. 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.

10. Copy of this order be given dasti.

(Dr. TARUN SAHRAWAT)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /17.03.2026