

Misc. CrI. No. 414/2026
State Vs Ankrish Mahajan
FIR No. 358/2024
PS- NFC
U/s- 79/351(2) BNS

19.03.2026

Present: Sh. Narender Yadav, Ld. Addl. PP for the State.
Mr. Akshat Kumar and Mr. Adarsh Kumar
Choudhary, Ld. Counsel for applicant.

The present misc. application u/s 483(1)(b) of BNSS 2023 has been filed by the applicant seeking setting aside / modification of bail condition imposed by the Ld. Trial Court vide order dated 17.02.2026.

It is argued by the Ld. Counsel for applicant that vide order dated 17.02.2026, Ld. Trial Court while granting bail to the applicant imposed a restrictive condition ordinarily reserved for non-bailable cases that *“the accused shall also seek prior permission to leave the country, in case he plans to visit abroad”*, though, applicant is accused of bailable offences. It is stated that applicant is employed in Dubai, UAE and his livelihood depends on his continued presence at his workplace and the condition to seek prior permission every time he needs to travel for work is effectively a constructive denial of bail. It is stated that complainant has concocted a false story with the motive of deriving unlawful gain arising out of landlord-tenant dispute between the parents of the parties, which is purely civil in nature. It is argued that applicant is young man of 22 years and having clean antecedents and no previous criminal record and imposition of restrictive conditions would seriously hamper his career prospects, impede his professional growth and cause

irreparable prejudice to his future livelihood. Hence, it is prayed that condition imposed vide order dated 17.02.2026 may be set aside. Reliance is placed upon the judgments of *Rasiklal Vs Kishore* 2009 4 SCC 446; *Vaman Narain Ghiya Vs State of Rajasthan* 2009 2 SCC 281 (Para 9); *Deepak Khosla Vs State (NCT of Delhi)* 2017 SCC Online Del 7221 (Para 10); *Sultan Kamruddin Dharani Vs Union of India*, 2008 SCC Online Bom 1347 (Para 16, 19) ; *Sushil Suri Vs State* 2006 SCC Online Del 525 (Para 5) and *Hanumanthegowda Vs State of Karnataka* 1996 SCC Online Kar 621 (Para 4).

Ld. Addl. PP for the State has argued that he has no objection if the condition imposed by Ld. Trial court of seeking prior permission to leave the country is removed.

The applicant is accused of commission of offences punishable u/s 79 and 351(2) BNS. Admittedly, both the offences are bailable. As per Section 478 BNSS, whenever a person accused of bailable offence is produced before a court, such person shall be released on bail. Clause 2 of Sec. 478 BNSS states that if such a person fails to comply with conditions of bond with regard to time and place then court may refuse to release him on bail. The cumulative reading of both the clauses of Sec. 478 BNSS show that only condition which can be imposed upon a person accused of bailable offences is with regard to time and place and no other condition can be imposed upon such a person. In this regard, reliance is placed upon the judgment of *Vaman Narain Ghiya Vs State of Rajasthan* 2009 2 SCC 281 (Para 9) wherein it was held that the court has no discretion, while granting bail in bailable offences, even to

impose any condition except the demanding of security with surety. **In such circumstances, the application is allowed and the condition imposed by Ld. ACJM, South East vide order dated 17.02.2026 requiring the accused to obtain prior permission for travelling abroad is dispensed with/revoked. Accordingly, the application stands disposed of.**

Copy of this order be given dasti to Ld. Counsel for applicant and copy of order be also sent to concerned court for information and necessary action.

(Ankit Singla)
Additional Sessions Judge,
Special Fast Track Court,
South East District,
New Delhi/19.03.2026