

21.07.2026

Present : Sh. L.D. Singh, Ld. Addl. PP for State.
Sh. Anash and Ayaz, Ld. counsel for accused/applicant.
Sh. Anoj Kumar Ld. Counsel for complainant along with
father of complainant.
IO/HC Lalit absent.

Today, the matter is fixed for consideration on anticipatory
bail application u/s 482 BNSS moved on behalf of accused/applicant. t
vt6Arguments heard.

BAIL ORDER

1. **Brief facts** - That the present FIR No. 251/2026 u/s 115(2)/126(2)
BNS was registered at PS Sarita Vihar on 29.05.2026 on the complaint
of Sh. Neeraj Kame regarding an incident dated 28.05.2026. That
immediately after the incident, PCR information vide DD No. 63A
dated 28.05.2026 was received at PS Sarita Vihar regarding a quarrel
at Flat No. 316-B, Pocket M&N, Sarita Vihar, wherein it was reported
that *the caller's mother had been pushed and had sustained injuries*.

INVESTIGATION BY THE IO

2. Pursuant thereto, local police staff reached the spot and necessary
action was initiated. The said DD entry forms part of the investigation
record and corroborates the prompt reporting of the incident. That
during investigation it has emerged that injured Smt. Kanta Kame
sustained injuries after falling on the staircase of the aforesaid

premises. The complainant has specifically alleged that the applicant/alleged Arti Tiwari pushed the injured, resulting in her fall and consequent injuries. The allegations against the applicant are specific, direct and require thorough investigation. That the MLC of the injured has been obtained and forms part of the investigation record. However, the final medical opinion regarding the nature of injuries is still awaited from the concerned hospital. It has further been mentioned that there are previous disputes between the parties pertaining to possession rights in respect of Flat No. 316-B, Pocket M&N, Sarita Vihar, New Delhi. Both sides claim rights over the said property and related litigation is pending before competent courts. Further, that there is a history of litigation between the parties. Earlier, FIR No. 460/2022 u/s 448/380/34 IPC, PS Sarita Vihar was also registered at the instance of Smt. Kanta Kame. Further, Criminal Revision No. 273/2026 arising out of disputes between the parties is pending consideration before the Hon'ble Court and is fixed for hearing on 07.08.2026.

3. That investigation is still in progress. Material witnesses are yet to be examined in detail and relevant documentary, medical and electronic evidence is being collected and analysed.

INVESTIGATION CONDUCTED AFTER GRANT OF INTERIM PROTECTION

4. That pursuant to the order dated 01.06.2026 passed by this Hon'ble Court, notices under Sections 35(3) and 94 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 were duly served upon the applicant/accused on 03.06.2026. That in compliance with the aforesaid notices, the applicant joined the investigation on 03.06.2026. During the course of investigation, her statement was recorded in detail and she responded to the queries put to her by the Investigating Officer. That in compliance with the notice issued under Section 94 BNSS, the applicant was directed to produce the CCTV footage pertaining to the date and time of the incident. In her written reply, the applicant stated that the CCTV system installed at the premises was not functional on the relevant date and, therefore, no CCTV footage could be produced. That thereafter, a detailed local enquiry was conducted.

5. **During the course of the enquiry, the statement of an independent witness, namely Sh. Rajesh Kumar, who was present at the house of the victim in connection with electrical work, was recorded. The witness stated that he had seen the applicant push Smt. Kanta Kame on the staircase, as a result of which she fell and sustained the injuries in question. The said statement lends independent corroboration to the version of the prosecution and forms part of the material collected during investigation.**
6. **That during the course of investigation, the final medical opinion in respect of injured Smt. Kanta Kame was received from the concerned hospital, wherein the nature of injuries has been opined as "Grievous Hurt". In view of the said medical opinion and after obtaining approval from the competent senior police officers, Section 117(2) of**

the Bharatiya Nyaya Sanhita, 2023 was accordingly added in the present FIR.

ARGUMENTS ON BEHALF OF STATE

7. It is argued by Ld. Addl. PP for State that the allegations disclose commission of cognizable offences involving physical assault causing injuries to the victim and the investigation is presently at a crucial stage. That in view of the facts and circumstances stated here in above, the anticipatory bail application be rejected. That the investigation is still in progress. The material collected thus far, including the prompt PCR information, the statement of the complainant, the final medical opinion declaring the injuries as grievous, the addition of Section 117(2) BNS, and the statement of the independent witness, prima facie disclose the commission of cognizable offences and necessitate a fair, complete and unhindered investigation. Ld. Addl. PP for State has vehemently opposed the anticipatory bail application of the accused/applicant stating that Investigation is still in progress.

ARGUMENTS ON BEHALF OF ACCUSED

8. It has been argued on behalf of accused/applicant that the accused/applicant has been falsely implicated in the present matter. It is further argued that no recovery is to be effected from the accused and therefore he be granted anticipatory bail. Further, the accused/applicant has already joined investigation in the present matter with the IO.

COURT OBSERVATION

9. Accused/applicant has already joined investigation and cooperated in the same. Accused/applicant is first time offender. No custodial investigation is required **and is not have any previous criminal antecedents**. Considering the aforesaid factual matrix, the accused has deep roots in society and it cannot be said that he shall flee from justice.
10. **Considering the aforesaid facts and circumstances of this case anticipatory bail is granted to the applicant accused Aarti Tiwari D/o Late Het Ram.**
11. In the event of his arrest, applicant be released on bail subject to furnishing of personal bond/surety bond in sum of **Rs.15,000/-** each subject to the satisfaction of concerned IO/ SHO/ Arresting Officer.

Further, this order entails following conditions :-

- a) Applicant shall not leave the jurisdiction of Delhi/NCR region without informing SHO concerned in writing, giving details of place he is going and the time for which he will be out of Delhi/ NCR.
- b) Applicant shall keep his mobile phone in switch on mode, all the time by furnishing its details to the IO concerned, in writing within three days from now.
- c) In case, he changes mobile number, then he will inform IO concerned in writing, within one day of said change.
- d) Applicant shall not try to meet complainant and/or his family members till the adjudication of this case.
- e) Applicant shall not threaten complainant physically or verbally through any electronic mode.
- f) **Applicant/ accused shall cooperate and join the investigation as and when directed by the IO.**

Order Dasti.

[Sheetal Chaudhary Pradhan]
ASJ-02, South-East/Saket/Delhi
21.07.2026 (vk)