

Bail Application No. 1790/2026
State Vs. Mubashshir Abbas
FIR No. 163/2026
PS New Friends Colony

03.07.2026

This is an application u/s 483 of BNSS moved on behalf of applicant / accused Mubashshir Abbas for regular bail.

Present: Mr. A T Ansari, Ld Addl. PP for the State.
 Mr. Rajpal Kasana, Ld. Counsel for applicant/ accused.
 IO HC Yogesh Yadav in person.

Reply filed. Copy supplied.

1. By way of the present application, the accused Mubashshir Abbas seeks regular bail in FIR No.163/2026, P.S. New Friends Colony, registered under Sections 281/125(a)/132/221/121(1) BNS and Section 184 of the Motor Vehicles Act.

2. Briefly stated, the prosecution case is that on 10.06.2026, while complainant HC Rahul Kumar was on traffic duty, he signalled a KIA Sonet bearing registration No. UP-84AM-9232 to stop. It is alleged that the driver did not stop the vehicle and, while attempting to flee, hit the complainant and escaped from the spot. During investigation, the accused Mubashshir Abbas was arrested and the offending vehicle was recovered. The prosecution has further stated that a Test Identification Parade of the accused is yet to be conducted.

3. Learned counsel for the accused submits that the accused is innocent and has been falsely implicated. It is argued that the accused is a permanent resident of Delhi, has roots in society and is not likely to abscond. It is further submitted that the injuries allegedly sustained by complainant are simple in nature. It is further submitted that the applicant has a wife and children to look after. It is further submitted that the accused has remained in judicial custody and no useful purpose would be served by his further incarceration. Learned counsel further submits that the offences alleged are triable by the Court of Magistrate and the investigation qua the accused substantially stands completed.

4. It is also contended that the accused has no previous criminal antecedents, that the offending vehicle has already been recovered and that his continued detention would amount to pre-trial punishment.

5. Per contra, learned APP for the State has opposed the bail application on the ground that the accused allegedly hit a police official while fleeing and that the Test Identification Parade of the accused is yet to be conducted. It is submitted that, if enlarged on bail, the accused may influence witnesses, hamper the investigation or evade the process of law. The State has, therefore, prayed for rejection of the bail application.

6. I have heard the submissions advanced by both sides and perused the record.

7. At the stage of consideration of bail, the Court is not expected to undertake a meticulous examination of the evidence or record findings on the merits of the case. The object of bail is to secure the presence of the accused during trial and not to punish him before his guilt is established.

8. The allegations against the accused are undoubtedly serious. However, it is not disputed that the accused has already been arrested and the offending vehicle has been recovered. The investigation does not appear to require further custodial interrogation of the accused.

9. The apprehension of the prosecution that the accused may influence witnesses or abscond can be adequately addressed by imposing appropriate conditions.

10. The accused is stated to be a permanent resident of Delhi and nothing has been placed on record to indicate that he is likely to flee from justice. The investigation is substantially complete and continued incarceration of the accused would serve no useful purpose.

11. The mere fact that the Test Identification Parade is yet to be conducted cannot, by itself, be a ground to deny bail indefinitely, particularly when suitable conditions can be imposed to ensure that the accused does not interfere with the course of justice.

12. Keeping in view the nature of allegations, the period of custody undergone by the accused, the fact that the vehicle has already been

recovered, the absence of any material showing likelihood of absconding and the settled principle that bail is the rule and jail is the exception, this Court is of the considered opinion that the accused deserves to be enlarged on bail.

13. Accordingly, the present bail application is allowed.

14. The accused Mubashshir Abbas is admitted to regular bail on furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of Ld. JMFC /Ld. Link JMFC/ Ld. Duty JMFC, subject to the following conditions:

- i. The accused shall not leave the NCT of Delhi without prior permission of the Court.
- ii. The accused shall furnish his mobile number and residential address to the Investigating Officer and shall keep the same operational at all times.
- iii. The accused shall appear before the Investigating Officer as and when required.
- iv. The accused shall not directly or indirectly induce, threaten or promise any witness acquainted with the facts of the case.
- v. The accused shall not tamper with evidence or obstruct the course of investigation.

vi. The accused shall appear before the Trial Court on each and every date fixed unless exempted in accordance with law.

15. Application stands disposed of accordingly.

16. Nothing expressed herein shall tantamount to an expression on the merit of the present case.

17. Copy of this order be sent to accused for information through concerned jail superintendent.

Dasti to all concerned.

(Anuj Agrawal)
ASJ-03 (South East)
Saket Courts, Delhi/03.07.2026