

IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT,
SAKET COURTS, NEW DELHI

Bail Matter No.: 985/2026	
CNR No.: DLST01-005806-2026	
FIR No.: 816/2017	
Police Station: Mehrauli	
u/Section: 301, 201 IPC 1860	

IN THE MATTER OF:

STATE

... Non-Applicant

Through – Mr. Santosh Kumar, Additional
Public Prosecutor for the State.

v.

BADAL MANDAL alias SAPAN

... Applicant

Through – Mr. Tariq Hashmi, DLADC for
the Applicant.

Date of filing of bail application:	18.05.2026
Date of reserving order:	02.06.2026
Date of pronouncement of order:	05.06.2026

O R D E R

05.06.2026

1. Badal Mandal alias Sapan¹ (applicant) has moved an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in relation to FIR No. 816/2017 dated 15.10.2017 (FIR 816/2017) registered at police station Mehrauli, South Delhi, Delhi under Section 302, 201 of the Indian Penal Code, 1860 (IPC).

2. The applicant was arrested on 28.10.2017 and since then he has been in custody. The applicant is an undertrial prisoner before the Court, who is facing trial for alleged offences of Section 302, 201, IPC arising out of the FIR 816/2017.

Facts

3. The factual narration as traced from the final report/chargesheet submitted by Inspector M.L. Meena is as under:

3.1. On 14.10.2017, an information was received via DD No. 47A at Police Station Mehrauli regarding a missing person named Vipin and a foul smell emanating from a house.

3.2. Upon reaching the spot at House No. 492, Gully No. 1, Saidulajab, New Delhi, along with the complainant Mahesh Chand Joshi, the police found a severe foul smell coming from Flat No. 5 on the first floor.

¹ Prisoner ID – 1049664

3.3. When the door of the flat was pushed open, the police discovered a refrigerator kept right in front of the door near a single bed. The door of the refrigerator was slightly open and resting against the bed, wherein the concealed dead body of the victim was discovered.

3.4. During the course of the investigation, the applicant Badal Mandal alias Swapan Singha was arrested on 28.10.2017 and remanded to judicial custody, while the co-accused Mala Singha was enlarged on court bail.

Bail application & Reply by IO

4. The applicant in the bail application has prayed that the applicant be released on regular bail in the pending proceedings centering on the plank that he has suffered prolonged incarceration and is entitled to grant of bail.

5. The primary contention lodged by the applicant in the bail application is that the investigation stands completed, the chargesheet has been filed before the Court. Further, the trial commenced on 05.07.2018 and until today against the 39 total prosecution witnesses, only 24 witnesses have been examined and the trial will not get concluded anytime soon.

6. No formal written reply contesting the bail application has been filed by the IO or SHO, PS – Mehrauli.

Submissions by Counsels

7. Mr. Tariq Hashmi learned defence counsel for the applicant opened his arguments in tandem with the averments made in the bail application. The learned counsel at length read out the contents of the FIR, bail application, supporting documents and drew attention of the Court to the list of prosecution witnesses filed by the IO along with the charge sheet.

8. Mr. Hashmi learned counsel for the applicant submitted that the applicant has been in prolonged judicial custody as an undertrial prisoner since 2017-2018, and his personal liberty and freedom stands curtailed due to delay in conclusion of trial for no fault of his. The learned counsel further submitted that there is no eye witness and direct evidence against the applicant/accused and the prosecution's case is based on circumstantial evidence.

9. *Per contra* , Mr. Santosh Kumar, learned Additional Public Prosecutor (APP) submitted that this is not a fit case of bail as urged by the learned counsel for the applicant.

10. The learned APP further submitted that the applicant is involved in a brutal murder where the dead body of the victim, Bipin Chand Joshi, was concealed inside a refrigerator to destroy evidence and evade the process of law. The learned APP further argued that prolonged incarceration cannot be the sole ground for bail in cases involving heinous offences like murder.

11. Mr. Tariq Hashmi, learned counsel for the applicant rejoined his arguments by strongly contending the submissions advanced by the learned APP. The learned counsel once again urged that the applicant enjoys the presumption of innocence and his long pre-trial detention violates his fundamental rights.

Analysis & Findings

12. On careful perusal of the application, reply/objections filed by the IO and weighty arguments advanced by the learned counsel for the parties, the Court has to answer the question, whether the applicant, Badal Mandal alias Sapan can be granted the relief of regular bail as sought?

13. At the stage of granting of bail, only a *prima facie* case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. The bail order should reveal the factors that have been considered by the Court for granting relief to the accused – ***See Ajwar v. Waseem & Anr. – 2024 INSC 438, pp.28.***

14. The Hon'ble High Court of Delhi in ***Shaveta Kataria v. State Govt. of NCT of Delhi & Anr. – 2025 DHC 8043*** while relying upon the law reports of the Apex Court in ***Brijmani Devi v. Pappu Kumar & Anr. – (2022) 4 SCC 497*** and ***Mahipal v. Rajesh Kumar @ Polia – (2020) 2 SCC 118*** observed that the law is well settled that bail proceedings are not intended to mirror the evidentiary rigour of a full-fledged trial. To engage in a detailed assessment of competing

versions at this stage would risk converting the bail hearing into a mini-trial, something courts are consistently cautioned against.

15. The Apex Court has held in the catena of law reports that bail is a discretionary relief, to be granted or denied based on the specific facts and circumstances of each case. The Apex Court in its landmark judgment of *Prasanta Kumar Sarkar v. Ashis Chatterjee and Anr.* – **2010 INSC 752**, laid down the following *legal principles*:

- (i) Whether there is any *prima facie* or reasonable ground to believe that accused had committed the offence;
- (ii) Nature and gravity of the accusation;
- (iii) Severity of the punishment in the event of conviction
- (iv) Danger of the accused absconding or fleeing, if released on bail;
- (v) Character, behaviour, means position, and standing of the accused;
- (vi) Likelihood of the offence being repeated;
- (vii) Reasonable apprehension of the witnesses being influenced, and
- (viii) Danger, of course, of justice being thwarted by grant of bail.

16. In light of the above stated legal principles, the answer to the pointed question about grant of bail to the applicant, Badal Mandal alias Sapan is emphatic: **No**.

17. An evaluation of the record reveals that the allegations against the applicant are exceedingly grave and heinous in nature. The

prosecution has established a strong *prima facie* case showing that the victim, Bipin Chand Joshhi, was murdered and his dead body was horrifyingly stuffed inside a refrigerator at the flat located in Saidulajab, New Delhi, to destroy the evidence and evade justice.

18. The gruesome manner in which the crime was committed and the body was concealed reflects a calculated and cold-blooded intent. Addressing the defence's argument regarding prolonged incarceration, the Hon'ble Supreme Court in ***Anil Kumar Yadav v. State (NCT) of Delhi [2017 11 SCR 195]***, has categorically held that in crimes like murder, the period of incarceration by itself would not entitle the accused to be enlarged on bail, as a balance must be struck between the liberty of the accused and the societal interest in ensuring a fair trial where witnesses can depose without fear.

19. The Court is of the considered view that given the severity of the punishment in the event of a conviction and the tangible risk of the applicant absconding or tampering with evidence, the applicant's prolonged custody cannot override the overwhelming gravity of the offence.

Decision

20. In view of the above deliberations and observations, the Court declines to grant regular bail to the applicant, Badal Mandal alias Sapan at this stage. Accordingly, the bail application moved by the applicant, Badal Mandal alias Sapan titled as ***State v. Badal Mandal alias Sapan – Bail Matter No. 985/2026*** is dismissed.

21. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

22. Let a copy of this order be transmitted to the applicant, Badal Mandal alias Sapan through the concerned Jail Superintendent and also given *dasti* to the applicant through counsel. Further, let a copy of the order be transmitted to the concerned IO/SHO, police station Mehrauli, for information and necessary compliance, if any.

**Pronounced in the open Court
on June 05, 2026**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

***Note:** This order comprises of 8 pages in total. The electronic signature certificate (digital signature) of the Presiding Officer has been appended on the last page of the electronic or digital copy (PDF) of this document.*