

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

Bail Matter No:	818/2026	
CNR No.:	DLST01-005087-2026	
FIR No.:	500/2025	
Police Station:	Malviya Nagar	
u/Section:	309(6), 3(5) BNS 2023	

IN THE MATTER OF:

STATE

... Non-Applicant

Through – Mr. Santosh Kumar, Additional
Public Prosecutor for the State
a/w IO/SI Braj Prakash.

v.

RAHUL ALIYAS PACHIS

... Applicant

Through – Ms. Ila Mani Mohapatra
Advocate for the Applicant.

Date of filing of bail application:	28.04.2026
Date of reserving order:	29.04.2026 [F/N]
Date of pronouncement of order:	29.04.2026 [A/N]

ORDER

29.04.2026

1. Rahul alias Pachis [Rahul] is an undertrial prisoner, who has moved an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in relation to FIR No. 500 dated 20.10.2025 (FIR 500) registered at police station Malviya Nagar, South Delhi, Delhi under Section 309(6), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Since 20.10.2025, the applicant, Rahul has been in custody.

Facts

3. The factual narration as traced from the FIR 500 lodged on the complaint of Naresh Kumar is as under:

3.1. Naresh Kumar is a 42-year-old auto-rickshaw driver residing in JJ Colony Sakur Pur, Delhi, originally from Jaipur, Rajasthan.

3.2. On 20.10.2025, between 2:30 AM and 2:45 AM, Kumar was driving his rented auto-rickshaw from SL House, Malviya Nagar, toward the Panchsheel flyover after dropping off a passenger at Madan Mohan Malviya Hospital. Near the red light before the flyover, two men and one woman signaled him to stop. They requested to be taken to Hauz Khas Village, and Kumar allowed them into the vehicle.

- 3.3. As the vehicle moved forward, one of the men positioned behind Kumar choked him with his elbow, causing him to struggle for breath. Simultaneously, the other man and the woman grabbed him from behind and began searching his pockets in an attempt to rob him.
- 3.4. Kumar managed to stop the auto, break free from the suspects, and flee the scene on foot, leaving his vehicle behind. He ran toward the Hauz Khas metro station, where he alerted other auto drivers to the situation.
- 3.5. Kumar returned to his auto-rickshaw with the other drivers and found the vehicle where he had left it, but the three suspects had already fled. Because his phone battery was dead, he used another driver's phone to call the police.
- 3.6. Upon the arrival of the police, Sub-Inspector (SI) Braj Prakash and Constable Deepak, Kumar accompanied them to search a nearby park. They discovered two men and a woman hiding behind a tree. The suspects attempted to flee when they saw the police. The officers successfully apprehended one man, identified as Rahul, 21 years old, and the woman, identified as Roshni, 24 years old. The third male suspect, who Kumar identified as the individual who had choked him, managed to escape.

3.7. Kumar sustained minor scratches to his neck during the struggle but declined a medical examination. Based on his statement and the circumstances, a case was registered under Sections 309(6) and 3(5) of the BNS.

4. Subsequent to the completion of the investigation, the charge sheet was filed before the concerned Court of Judicial Magistrate First Class, South District. The trial has commenced in the case before the Trial Court.

Bail application & Reply by IO

5. Rahul had moved the bail application before the Trial Court, which was dismissed *vide* order dated 16.03.2026.

6. In the present application, Rahul has averred that he has been falsely implicated in the subject FIR and was arrested on 20.10.2025 and ever since he has been continuing in judicial custody.

7. Rahul has also urged in his application that the investigation in the case has already been completed and a chargesheet filed before the Trial Court, thus, he is no longer required for any investigation in this case. He has also urged that he is an innocent person, who did nothing as alleged by the complainant.

8. Rahul has averred that evidence of complainant has been completed and there is no public/eye witness in the present case against applicant. It is also urged by Rahul that no recovery was made from his possession.

9. Rahul has prayed that he may be released on regular bail in the proceedings arising out of captioned FIR centering on the plank that he has been falsely implicated in the subject matter.

10. On the other hand, IO/SI Braj Prakash filed the reply opposing the bail application citing objection that Rahul has committed the heinous crime along with his associates. Rahul can intimidate and threaten the prosecution's witnesses if released on bail. It is further stated that besides this case, applicant Rahul is involved in two other cases of police station Malviya Nagar and he may commit a similar crime again if released.

Submissions by Counsels

11. Ms. Mohapatra learned counsel for the applicant, Rahul opened her arguments in tandem with the averments made in the bail application. The learned counsel submitted that with the investigation already completed in the subject, FIR, chargesheet being filed and the trial has commenced, no purpose would be served to further keep Rahul in custody.

12. The learned counsel in her short and crisp arguments submitted that Rahul may be enlarged on bail as he is ready and willing to abide by any terms and conditions as imposed by this Court at the time of grant of bail.

13. *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. The learned APP submitted

that the applicant, Rahul along with his co-accused persons attempted to rob Naresh, an auto-rickshaw driver in the small hours of 20.10.2025.

14. The learned APP further submitted that with the commencement of trial, in all likelihood, Rahul may jump the bail.

15. Ms. Mohapatra learned counsel for the applicant rejoined her arguments by strongly contending the submissions advanced by the learned APP. The learned counsel once again urged that the applicant has been falsely implicated by the complainant and the police, therefore, her application seeking bail may be allowed by the Court.

Analysis & Findings

16. 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, Rahul can be granted the relief of regular bail as sought?

17. 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.***

18. 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.

19. 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.

20. The answer to the pointed question about grant of bail to the applicant, Rahul keeping in mind the legal principles is answered in

her favour. *Firstly*, no purpose of keeping Rahul in further custody would be served, as the investigation in the FIR 500/2025 already stands completed. The chargesheet has already been filed before the concerned Magistrate Court and the trial has commenced.

21. *Secondly*, the complainant, Naresh Kumar has already recorded his testimony on 25.03.2026. The prosecution has cited 10 witnesses to prove its case against the accused persons. It is observed that other than the complainant, Naresh Kumar all the prosecution witnesses are either police witnesses and/or formal witnesses. Thus, the concern of applicant, Rahul, dissuading, and/or winning over the witnesses would be at its nadir.

22. *Thirdly*, Rahul, who is of 21 years of age has been in judicial custody since 20.10.2025. The position in law is well settled that incarceration of an accused cannot be used as a punitive tool of retribution.

Decision

23. In view of the above deliberations and observations, the Court deems fit to grant regular bail to the applicant, Rahul at this stage. Accordingly, the bail application moved by the applicant, Rahul in case titled as ***State v. Rahul Aliyas Pachis – Bail Matter No. 818/2026*** is allowed on following terms and conditions:

- 23.1. The applicant shall furnish personal bond in the sum of **₹10,000/- (Rupees Ten Thousand only)** with one surety of the like amount by way of fixed deposit receipt (FDR) drawn upon the bank located within the South District, Delhi, subject

to the satisfaction of the concerned Ld. Judicial Magistrate First Class/Duty/Link.

- 23.2. The applicant will not leave the country without prior permission of the Court.
- 23.3. The applicant shall provide by way of an affidavit, the details of the address to the Trial Court and the IO, at which she shall be residing. The applicant shall also intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.
- 23.4. The applicant shall appear before the Trial Court as and when the matter is taken up for hearing and not seek any unnecessary adjournment.
- 23.5. The applicant shall join the investigation as and when called by the IO concerned and/or as and when directed by the concerned Court.
- 23.6. The applicant shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts or the case be it the complainant, witnesses, their family and relatives so as to dissuade them from disclosing such facts, information to the Court or to any other authority.
- 23.7. The applicant will not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, complainant/victim, or tamper with the evidence of the case.
- 23.8. In the event of there being violation of any of the above conditions and/or any FIR/DD-entry/Complaint lodged against applicant during the period of bail, liberty is accorded

to the State, to seek redressal by filing an application seeking cancellation of bail.

24. 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.

25. Let a certified copy of this order be transmitted to the concerned Trial Court through Bail & Filing Section for information and compliance, if any. Let a copy of this order be transmitted to the applicant, Rahul alias Pachis 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 Malviya Nagar, for information and necessary compliance, if any.

26. File be consigned to Record Room only after due compliance and necessary action.

**Pronounced in the open Court
on April 29, 2026**

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

Note: This order comprises of **10** 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.