

State Vs. Bhushan Verma

Bail Application No.404/2026

e-FIR No. 80082511/2025

Under Section 303(2)/317(2) BNS

PS : Kotwali

07.03.2026

Present : Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Amey Mishra, Ld. Counsel for the
applicant/accused, namely, Bhushan Verma.

ORDER

1. The present application has been moved on behalf of applicant, namely, Bhushan Verma (*hereinafter referred to as the 'applicant/accused'*), in terms of the provisions under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*)/Section 439 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*), seeking regular bail. Notably, the earlier bail application of the applicant was dismissed by Ld. ASJ-06, Central District, Tis Hazari *vide* order dated 15.12.2025.

2. Briefly, the case of the prosecution is premised on the complaint of one Sh. Sudhir Kumar Jain, who asserted that his three vessels made of gold (one big *jhari*, one small *jhari* and one *nariyal*) weighing around 1 kg was stolen from Jain Mahotsav Pooja *pandal* on 03.09.2025 by an unknown person, under which facts and circumstances, the present case came to be registered. During the course of the investigation, the applicant along with co-accused persons were arrested in the present case. Further, CCTV footages were analyzed wherein the applicant is asserted to be seen dressed in a religious Jain attire, stealing the gold *jhari* from inside the pooja *pandal*. Correspondingly, it is the case of prosecution that CCTV footages of the path taken by the applicant were analysed, which footages led the investigating officer to Hapur, U.P. Consequently, one gold *jhari* of around 663 gms. was recovered from the house of the applicant, stated to be identified to be the stolen property by the complainant.

3. Learned Counsel for the applicant has submitted that the applicant is a permanent resident of Delhi and has clean antecedents/no previous involvement in any criminal case. Ld. Counsel further contended that the applicant has been languishing in judicial custody since 09.09.2025, without there being any fault on his part. Ld. Counsel further submitted that no role has been assigned to the applicant in the alleged offence and the evidence against him is purely attributed on the basis of the disclosure statement of the co-accused. It was further submitted that since the investigation in the instant case has already concluded, charge-sheet has already been filed and no useful purpose would be served in keeping the applicant in continued detention. Further, as per Ld. Counsel, the co-accused persons, namely, Gaurav and Ankit Patil have been granted bail and that the applicant is entitled to bail on parity. Lastly, it was submitted by the Ld. Counsel that the applicant is ready to abide all the terms and conditions imposed by this Court while granting bail, including co-operating the investigating authorities and making himself available for investigation/further investigation, as and when called for besides as per the Ld. Counsel it is the settled law that bail is a rule and jail is an exception. In support of his contentions, Ld. Counsel has placed reliance upon the decision in; *Sanjay Chandra v. CBI (2012) 1 SCC 40*.

4. *Per contra* Ld. Addl. PP for the State strongly opposed the present application on the ground that the applicant was actively involved in the commission of offence in the instant case, being a grave offence. It was further submitted that he was an active participant of the offence. Further, as per Ld. Addl. PP for the State, the certain stolen articles have been recovered from the house of the applicant. Ld. Addl. PP for the State further submitted that the case is at the nascent stage of framing of charges. Ld. Addl. PP for the

State further submitted that in case bail is granted, there are chances of applicant inducing, threatening and/or coercing the witnesses, besides damaging material evidence. It was further submitted that in case bail is granted to the applicant there are chances of the applicant absconding and evading trial, considering his past conduct. Even otherwise, Ld. Addl. PP for the State has submitted that there has been no change of circumstance, since the dismissal of applicant's last bail application.

5. The arguments of the Ld. Counsel for applicant and that of Ld. Addl. PP for the State, heard as well as case record(s) have been thoroughly perused.

6. At the outset, this Court observes that the principles of *res judicata* do not apply to bail application meaning thereby successive bail application can be filed. However, under such circumstances it is incumbent on the court(s) entertaining such subsequent bail applications, "*to record¹ what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.*" Clearly, the only thing to be considered by the court(s) at such a stage is that there must be material, and not cosmetic change in circumstances² convincing the court(s) to grant any indulgence in favour of the applicant. Apposite to further mention here that it has been persistently avowed by various courts³ that mere filing of chargesheet would not amount to material change in circumstances for the purpose of bail.

7. Ergo, wary of the aforementioned, this Court outrightly observes that all the contentions of the Ld. Counsel for the applicant have already been dealt with by Ld. ASJ-06, at the time of dismissal of the applicant's earlier bail application on 15.12.2025

¹ *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528

² *Anil Kumar Bansal v. State*, 2011 SCC OnLine Del 2647

³ *Virupakshappa Gouda v. State of Karnataka*, (2017) 5 SCC 406; *Sunil Gupta v. State of Madhya Pradesh Misc. CrI. Case No. 40317/2021*, dated 13.08.2021 (Hon'ble Madhya Pradesh High Court) and *Prem Singh v. State of Punjab*, 2020 SCC OnLine P&H 1341

and that the Ld. Counsel has failed to demonstrate any material change in circumstances ever since. Needless to reiterate that from the material placed on record, the applicant's complicity and active role in the commission of offence *prima facie* stands established, in so far the applicant is asserted to have committed theft and is stated to be seen in the CCTV footage in the pooja *pandal* with Jain attire, committing the offence. Correspondingly, it is the case of the prosecution that the applicant got recovered one of the case properties from his house, which was identified by the complainant in the TIP proceedings.

8. In as much as the contention of the Ld. Counsel regarding the applicant's alleged parity with co-accused Gaurav and Ankit Patil is concerned, this Court unambiguously observes that it is trite law⁴ that in deciding the case of parity, the role attributed to the accused in relation to the incident and to the victim is considered to be of utmost importance. At the same time, parity applies in granting bail to an accused, where the co-accused has been granted bail on similar set of circumstances, which is not the case here.

9. Consequently, in view of the aforementioned factual background as well as keeping in view the nature and gravity of the offence; applicant's role, complicity and the *prima facie* incriminating evidence brought on record against him; manner of commission of offence; severity of the punishment in the event of conviction; reasonable apprehension regarding the applicant's fleeing from justice, considering the severity⁵ of the punishment involved as well as the fact that the proceedings are still at a nascent stage, this Court does not deem it fit to grant bail to the applicant at this stage. Even otherwise, it is reiterated that there has been no

⁴*Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana*, (2021) 6 SCC 230 and *Narayanaswamy v. State of Karnataka*, 2017 SCC OnLine Kar 1066

⁵*Kuldeep v. State (NCT of Delhi)*, 2021 SCC OnLine Del 4218 and *Rahul Kumar v. State (UT of J&K)*, 2023 SCC OnLine J&K 323

change of circumstance since the dismissal of the applicant's last bail application on 15.12.2025. Needless to further observe that though, this Court holds highest regard for the decision(s) relied upon by the Ld. Counsel for the applicant, however, none of the said decision(s) would come to the aid of the applicant in the manner as averred, as the facts and circumstances of the present case are clearly distinguishable.

10. Accordingly, the present application under Section 483 BNSS for regular bail *qua* the applicant/accused, namely, Bhushan Verma is ***dismissed***.

11. It is clarified herein that the observations made in the present order are only limited for the purpose of deciding the present application of the applicant and would have no bearing on the factual matrix of the present case, which is a separate issue to be determined as per law.

12. A copy of the present order be given ***dasti*** to the Ld. Counsel for the applicant/accused, namely, Bhushan Verma. Further, a **copy of this order be sent to the concerned Jail Superintendent with the direction to hand over** a copy of order to the applicant/accused.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
07.03.2026