

20.07.2026

Present: Ld. Sub. APP for the State.
Ms. Neeta Goyal and Sh. Shubham Goyal, Ld. counsels for
applicant/accused.

Submissions heard. The accused Shabaz has been charged for offences
u/s. 304(2)/317(2)/3(5) BNS.

The seriousness of the offence and severity of punishment, both, are relevant considerations while determining bail applications. (***Sanjay Chandra v. CBI, (2012)1SCC40***). It is also settled law, as reiterated in the recent pronouncement of Honble Apex Court in ***Satender Antil v. CBI 2022 SCC ONLINE SC 825***, that considerations for grant of bail vary at the investigation stage and the stage thereafter. In the former stage, an arrest followed by a police custody may be warranted for a thorough investigation, while in the latter what matters substantially is the proceedings before the court in the form of a trial. While there cant be any inexorable formula in the matter of granting bails, the prince remains that bail is the rule and jail is the exception with the object of bail being to secure the presence of the accused at during by reasonable amount of bail. It would also be pertinent to state, as observed in ***Prasanta Kumar Sarkar vs. Ashis Chatterjee (2010) 14 SCC 496*** that the following factors are to be borne in mind while considering an application for bail :

- (i) *whether there is any prima facie or reasonable ground to believe that the 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, behavior, 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.*

Coming to the merits of the present case, the offence u/s. 304(2) and 317(2) BNS are both punishable with imprisonment upto 03 years making them category A offence as per Satender Antil (Supra). The accused has clean antecedents. Moreover, the case property has already been recovered and the accused has remained in custody since 02.07.2026. Moreover, co-accused has already been admitted to bail. Investigation and trial will take its own course and no purpose will be served by keeping the accused behind bars for the entirety of the trial and investigation.

Accordingly, the bail application is allowed. Accused **Shabaz S/o Sh. Babudeen** is admitted to bail on furnishing bail bonds for the sum of Rs. 10,000/- alongwith one surety of like amount subject to the following conditions.

1. The accused will not jump the bail and will appear in the court regularly.
2. The accused shall not indulge into similar nature of offences or any other offence in the event of release on bail.
3. That in case of change of residential address or contact details like mobile phone number etc., accused shall intimate the court about the same within a week.
4. The accused shall intimate the court forthwith upon change of address.
5. The accused will not tamper with the evidence.
6. The accused shall not leave India without permission of the court.

Copy of the order be given dasti on request. Application is disposed off accordingly.

It is hereby clarified that the observations made above, shall not be tantamount to any observation on the merits of the case.

Let copy of this order be sent to the JS concerned, physically as well as e-mail, for compliance of directions of Hon'ble Apex Court in RE: Policy Strategy for grant of bail SWMP(CRL)No. 4/21.

(PRITU RAJ)
JMFC-01(EAST)/KKD/DELHI
20.07.2026