

SC No:- 339/2025
STATE Vs. SARVESH ETC.
FIR No:- 790/2024
Police Station:- New Ashok Nagar
under Section:- 110/ 115(2)/ 190/ 191(2)(3)/
192/ 105/ 331(6)/ 333/ 332(c)/ 3(5)/ 61(2) BNS

22.09.2025

This is the 2nd application under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail moved by applicant/accused Mayank, through Ld. Counsel.

Present:- Sh. Ghanshyam Singh, Ld. Addl. Substitute PP for the State.

Ld. Counsel for applicant/accused Mayank through VC.

Brief factual matrix of the present case as per prosecution is that in the intervening night of 30/31.12.2024, an information of scuffle was received by the police vide DD No. 121-A and as such, police officials reached at the spot i.e. 280 Kondli Village. Some persons were found injured who were taken to LBS hospital for treatment. After inquiry it was revealed that two families of same ancestral roots, residing in same locality had quarreled with each other in connection with compensation of ancestral land. It was alleged that on 30.12.2024 accused Narender (brother of present applicant/accused) had hot talks with one of the victim namely, Ritik regarding the same dispute and thereafter, he along with co-accused persons i.e. present applicant/accused, co-

accused Sarvesh, Surender, Lavish as well as Dharmender ran in aggression while holding wooden rods and hockey sticks towards the house of victim Ritik. He called his father namely, Sunil as well as other family members. It was alleged that victim and his family members tried to convince present applicant/accused as well as co-accused persons, but in vain. Thereafter, all the accused persons including present applicant/accused in prosecution of their common object started brutally beating victims namely, Savitri, Sunil, Neeta, Rohit, Monika, Ritik as well as Vishal. It was alleged that in the meantime, co-accused Soni and Pinki also joined the accused persons and started beating female members of victims family. It was further alleged that the accused persons forcefully entered the premises of victim and caused injuries to victim Sunil, Rohit, Monika, Rekha, Neeta and Vishal. Moreover, the accused persons Surender, Sarvesh, Dharmender, Narender, Lavish as well as present applicant/accused allegedly gave danda and wooden stick blows on the head of victim Savitri, owing to which she became unconscious and blood started oozing out of her head. All the injured persons were later on taken to LBS hospital and were discharged on 31.12.2024. However, victim Savitri and Rekha were referred to Safdarjung hospital and were subsequently discharged on 31.12.2024. On 02.01.2025, victim Savitri though reportedly died and as per her postmortem report, the cause of her death was due to cardiac tamponade as a result of rupture of wall of ventricle.

It is argued by Ld. Counsel for the applicant/ accused

that name of applicant/accused is not mentioned in the FIR and was only added at later stages by the IO to falsely implicate him. It is argued that applicant/accused reached at the spot at much later stage and as per the video recording brought on record by the IO, the applicant/accused is not seen entering the premises of the deceased. It is further argued that death of victim Savitri is caused due to heart failure after two days of the incident in question, as such, same cannot be attributed to the accused persons. It is additionally argued that there is change in circumstances since dismissal of first anticipatory bail application to the effect that a subsequent opinion was sought by the IO from Medical Board regarding cause of death of deceased Savitri and in its report dated 09.07.2025, the Board stated that no opinion could be formed regarding the death of victim being caused due to injuries received in the alleged incident. It is further argued that the victim Savitri had a history of heart related problems which fact was later on came to the knowledge of accused persons and thus, the death of victim was a natural death and not owing to injuries received in the alleged incident.

It is argued that all the other co-accused persons have already been granted bail and present applicant/ accused is ready and willing to join the investigation in this case. In support of his arguments, Ld. Counsel for the applicant/ accused has relied upon the following judgments i.e.

- (i) ***M/S Gati Ltd. v. T. Nagarajan Piramijae & Anr.*** SLP (CRL) No. 6677/2018;

- (ii) *Vinod Kumar Sharma & Anr. v. State of Uttar Pradesh & Anr.* SLP (CRL) No. 6057/2021;
- (iii) *Ashok Kumar v. State of Union Territory Chandigarh*, SLP (CRL) No. 9949/2023;
- (iv) *P Krishna Mohan Reddy v. The State of Andhra Pradesh*, SLP (CRL) No. 7532/2025;
- (v) *Siddharth v. The State of Uttar Pradesh & Anr.* SLP (CRL) No. 5442/2021 of Hon'ble Supreme Court;
- (vi) *Santosh S/o Ananada Mane @ Chhotu v. The State of Maharashtra* of Hon'ble Bombay High Court;
- (vii) *Manikaran N. P. v. State of Kerala*, Bail Appl. No. 11269/2024 of Hon'ble High Court of Kerala;
- (viii) *Lakshay Jaiswal v. State of NCT of Delhi*, Bail Appl. No. 893/2024 of Hon'ble High Court of Delhi.

Per contra, Ld. Addl. PP for the State has argued that the present bail application is effectively the third application and on earlier occasions, the first anticipatory bail application of the applicant/accused was dismissed by this court on 15.05.2025, while subsequent bail application of applicant/accused was dismissed by Hon'ble High Court of Delhi vide order dated 29.05.2025 on merits. It is argued that despite issuance of NBWs against the applicant/accused vide order dated 19.03.2025 and repeated dismissal of anticipatory bail applications, the applicant/accused has failed to join the investigation. It is argued that applicant/accused has willfully concealed himself till date and

waited for bail of remaining accused persons and his case cannot be considered on parity with other accused persons.

Arguments heard. Record perused.

Suffice it to state, the present case was registered on 31.12.2024 and since then applicant/accused has failed to join the investigation as per the reply of the IO. It is reported on behalf of the IO that multiple raids were conducted at the premises of applicant/accused but in vain. No doubt in terms of judgment of ***Lakshay Jaiswal (supra)***, the police should not have resorted to obtaining non-bailable warrants against applicant/accused during initial stage of investigation, yet it is relevant to note that the accused was well aware of pending investigation against him and approached the Sessions Court as well as Hon'ble Delhi High Court for seeking anticipatory bail in the month of May, 2025, both of which applications were dismissed on merits and the applicant/accused continued to evade the process of the law and failed to surrender to the IO.

The judgment of Hon'ble Supreme Court i.e. ***Mohammed Rasal. C & Anr. v. State of Kerala & Anr., Special Leave to Appeal (Crl).No.6588/2025*** relied upon by Ld. Counsel for the applicant/ accused is not applicable to the facts of present case as the earlier anticipatory bail application of applicant/accused has already been dismissed by Ld. Sessions Court vide order dated 15.05.2025 and by Hon'ble High Court of Delhi vide order dated 29.05.2025 respectively.

The argument of Ld. Counsel for applicant/ accused

that there are completely new grounds and change in circumstances in present application, is not tenable in as much as, the applicant/ accused has raised various similar grounds in this application, as that in his previous application. The accused further cannot seek parity with other co-accused persons as he never joined investigation in this case.

Considering the totality of circumstances, fact that anticipatory bail application of applicant/accused is already dismissed by Hon'ble Delhi High Court and report of the IO that weapon of offence needs to be recovered at the instance of the applicant/accused, no ground for grant of anticipatory bail is made out to applicant/accused.

Hence, the present application under Section 482 Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of anticipatory bail moved on behalf of applicant/ accused Mayank is dismissed.

Copy of order be given 'dasti'. Bail Application is disposed of.

(Akash Jain)
ASJ-04, East District
KKD Courts, Delhi: 22.09.2025
(G)