

Bail Matters 822/2026
State Vs Dheeraj Kumar
FIR no. 187/2026
U/s 69/351(2) of BNS
PS: Paharganj

07.05.2026

This is an application u/s 483 of the BNSS for grant of regular bail filed on behalf of the accused Dheeraj Kumar.

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.
Complainant in person with Ld. Counsel Sh. Ramesh Prasad.
Sh. Sarthak Maggon, Sh. Arsalan Naik and Sh. Siddharth Goyal, Ld. Counsels for accused/applicant.
IO SI Sweety Malik.

Reply filed. Taken on record. Copy be supplied.

Arguments heard.

It is submitted by Id. Counsel for the accused/ applicant that the accused/ applicant has been falsely implicated in the present case and is in JC since 02.05.2026. It is further submitted that no bail application of the accused/ applicant is pending before Hon'ble High Court of Delhi or Hon'ble Supreme Court of India. It is submitted that there is nothing to connect the accused/ applicant with the offence in question. It is submitted that the FIR has been lodged more than one year of the alleged incident, its contents do not disclose any reasonable grounds of arrest and that the present case is just an attempt on behalf of the complainant to extort money from the applicant/accused. It is submitted that the only intention of the complainant is to some how

stop the accused/applicant from marrying another girl with whom his marriage is scheduled to be solemnized on 08.05.2026 and that accused/applicant was arrested in between the family functions. It is submitted that accused/applicant is a permanent resident of Bihar and is not a flight risk. It is submitted that accused/applicant undertakes not to contact that the complainant in any manner whatsoever and to be present before the IO as and when called for the purpose of investigation. While relying on the judgment of Hon'ble High Court of Delhi, titled ***Ankush Kumar Mahto Vs. State of Govt. NCT of Delhi passed in Bail Application 3641/2025 on 03.12.2025***, it has been prayed that the application be allowed and the accused/ applicant be released on bail.

Per contra, ld. Addl. PP for the State assisted by Ld. Counsel for the complainant has opposed the bail application citing the seriousness of the allegations and gravity of the offence. It is submitted that the accused/applicant played a pivotal role in the commission of the offence. It is submitted that there are clinching evidence against the accused/applicant and if enlarge on bail, he may abscond or threaten he complainant. The complainant herself submits that if the accused/applicant is released on bail, he will marry someone else and if it happens, there is nothing she could do. It is prayed that the bail application be dismissed.

Considered.

While considering an application for bail, the Court is required to balance the fundamental right to personal liberty with the interest of a fair trial. It is well settled that grant of bail is the rule and

refusal is the exception, and that an accused is presumed innocent until proven guilty. At the stage of consideration of bail, the Court is not required to conduct a detailed examination of evidence or to record findings on merits. The object of bail is to secure the presence of the accused during trial.

While considering an application for bail, the Court is required to take into account the nature and gravity of the accusation, the severity of punishment in the event of conviction, the prima facie satisfaction regarding the accusation, the possibility of the accused absconding, the likelihood of tampering with evidence or influencing witnesses, the criminal antecedents of the accused, the stage of the proceedings, and the length of custody undergone. These parameters have been consistently reiterated by the Hon'ble Supreme Court in landmark cases of *Gudikanti Narasimhulu v. Public Prosecutor, State of U.P.* v. *Amarmani Tripathi*, *Sanjay Chandra v. CBI* and *Satender Kumar Antil v. CBI*.

Ld. Counsel for the complainant/prosecutrix has opposed the bail application primarily on the ground that accused/applicant is intending to marry another woman despite allegedly having promised marriage to the prosecutrix. However, at the stage of consideration of bail, the Court is only required to examine the settled parameters governing grounds of bail, namely, possibility of absconding, likelihood of tampering with the evidence, influencing the witnesses and requirement of custodial interrogation.

Prima facie material on record reflects that parties were in consensual relationship over a period of time. As per the IO, there is

no requirement of the accused/applicant for the purpose of investigation except that presence of the accused/applicant is required for the purpose of conducting his potency test. The accused/applicant is not required to be in custody for such purpose. No material has been placed before the Court to intimate that the accused/applicant, if released will abscond or interfere with cause of justice. Accused/applicant is not having any past criminal antecedent. The address of the accused/applicant is stated to have been verified by the IO. Further, accused/applicant is native village of Bihar while complainant is residing at Delhi and as such, there is no likelihood of accused/applicant approaching the complainant.

The objection of the complainant essentially pertains to the accused/applicant contracting marry with another woman. Such circumstances, by itself cannot be construed as a standalone ground to deny the bail when the other parameters governing ground of bail stands satisfied. Merely emotional grievance or insistence that accused/applicant should not marry another woman is not a legally sustainable ground to deny liberty if settled parameters of the bail of otherwise satisfied.

The seriousness of the allegations is certainly an important factor. However, seriousness alone cannot be the only reason to deny bail. The Court must also look at the material available at this stage, the specific role attributed to the accused, the stage of investigation, and whether further custody is actually necessary. Bail cannot be refused merely because the offence alleged carries a severe punishment. Pre-trial detention is not meant to serve as punishment.

The Court must therefore balance the gravity of the accusation with the right to personal liberty and ensure that a person is not kept in custody unless such detention is truly required in the interest of justice.

As such, keeping in view the overall facts and circumstances of the case, in particular, the clean antecedents of the accused/applicant and he being not required for purpose of custodial interrogation, I find merits in the bail application. Accordingly, the same is allowed.

The accused/ applicant Dheeraj Kumar is admitted to bail on furnishing of personal bond in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of Id. JMFC/ Ld. Link JMFC/ Ld. Duty JMFC/ Ld. CJM/ Ld. ACJM.

The accused shall abide by the following conditions:

- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses, in particular, the complainant;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the SHO/IO and the Court;*
- vi) Accused shall also provide his mobile number to the Court and SHO/IO.*
- vii) Accused shall keep his such mobile 'Switch On' at all the time;*

viii) Accused shall regularly appear before the Court on each and every date of hearing;

ix) Accused shall not indulge in any kind of criminal activities;

Needless to mention, nothing observes herein shall be construed as an expression on merits of the case.

Application stands disposed off.

Copy of this order be sent to the concerned Jail Superintendent for information and necessary action and for forwarding the same to the accused/ applicant. The same be also sent to IO/ SHO for information and records.

Dasti to all concerned.

(Bhupinder Singh)
ASJ-05, Central District
Tis Hazari Courts, Delhi
07.05.2026