

**IN THE COURT OF MS. SHEFALI BARNALA TANDON
ADDITIONAL SESSIONS JUDGE-06 : NEW DELHI DISTRICT,
PATIALA HOUSE COURT, NEW DELHI**

**Bail Application No. 446/2025
State Vs. Rahul @ Azooja
eFIR No. 80000330/2026
PS – Vasant Kunj
U/s. 305/331(4)/317(2) BNS**

02.04.2026

Undersigned is performing bail duty in pursuance to order No.5500-5575//Bail & Filing/Judl/Prin.D&SJ/NDD/2026 dated 20.02.2026, by Ld. Principal District & Sessions Judge, NDD, Patiala House Court, New Delhi.

This is an application under Section 483 of BNSS filed on behalf of applicant/accused Rahul seeking regular bail, pending adjudication.

Present: Ms. Manisha Singh, Ld. Addl. PP for the State along with IO/
HC Jagdish.
Sh. S. D. Kamal, Ld. Counsel for the applicant/accused.

1. Reply to bail application has already been filed.
2. At the outset, Ld. Counsel for the applicant/accused states at Bar that there is no other bail application of the present applicant/accused pending before the Hon'ble High Court of Delhi or Hon'ble Supreme Court of India.

Brief facts

3. e-FIR in the instant case has been registered on the complaint of complainant Sh. Umesh Kumar stating that on 02.01.2016, he boarded on DTC Bus Route No. 717 for Chhattarpur and at the time of boarding the bus, a group of persons also boarded the same bus, and during the process, someone stole his mobile phone (Make:Motorola) and thereafter deboarded the bus.

3.1 During investigation, CCTV footage of the bus was obtained and upon analysis of the footage, the present applicant/accused along with co-accused Ismile and Noor were identified and the applicant/accused and Ismile were arrested and the stolen mobile phone was recovered from the possession of co-accused Ismile along with three other mobile phones involved in lost reports.

Arguments addressed on behalf of applicant/accused

4. Ld. Counsel for the applicant/accused submitted that the applicant/accused has been falsely implicated in the present matter and he has nothing to do with the alleged offence; that he is in judicial custody since 19.01.2026; that nothing has been recovered from or at the instance of the applicant/accused, if any, the same has been planted upon him; that that he has clean antecedents; that co-accused Ismile has already been granted bail, hence, the present applicant is also entitled **parity** with him; that he is sole bread winner for his family comprising of his mother, wife and two minor children; that investigation has already been completed and he is no more required for the purpose of custodial interrogation, hence, no fruitful purpose will be served to keep him behind the bar for an uncertain period.

Arguments addressed on behalf of State

5. Ld. Addl. PP for the state opposed the bail application and argued that the applicant/accused is a habitual offender and involved in other cases also of similar nature; that custodial interrogation of the applicant/accused is required to trace his other associates; that there is every possibility of his fleeing from justice and repeating of offence, if enlarged on bail.

Court's Observation

6. This Court heard the rival submissions advanced on behalf of applicant/accused and Ld. Addl. PP for the State and perused the entire material available on record.

7. Hon'ble Apex Court, in a catena of judgments, outlined the considerations on the basis of which discretion under Section 483 of BNSS (Earlier Section 439 CrPC) has to be exercised while granting bail and also as to the various parameters which must be considered while granting bail. It is well settled that at pre-conviction stage, there is presumption of innocence. The object of keeping a person in custody is to ensure his/her availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of the allegation or the availability of material in support thereof are not the only considerations for declining bail. Delay in commencement and conclusion of trial is a factor to be taken into account and the accused cannot be kept in custody for indefinite period if trial is not likely to be concluded within reasonable time.

8. Chargesheet in the instant case has already been filed. The applicant/accused is in jail since 19.01.2026. Ld. Counsel for the applicant/accused has sought bail on the ground of parity with co-accused Ismile. The principle of parity in bail jurisprudence is not an abstract rule of uniformity, but one of comparative evaluation of roles, responsibilities and the degree of involvement attributed to each accused. In absence of similarity in circumstances and allegations, parity cannot be invoked. During the course of the arguments, IO confirmed regarding the bail granted to co-accused Ismile and placed the dasti copy of the order dated 19.03.2026 passed by Ld. ACJM-02, New Delhi District, Patiala House Court, New Delhi. A scrutiny of prosecution's case makes it evident that the role arrayed

to the present applicant/accused is similar to co-accused Ismile, who has already been granted bail.

Conclusion

9. Keeping in view the totality of the entire facts and circumstances and the fact that the co-accused namely Ismile has already been granted bail, the Court is of the view that the present applicant/accused is entitled to the bail on the same terms and conditions on the ground of parity with co-accused Ismile . Accordingly, the present **applicant/accused namely Rahul @ Azooba S/o Sh. Rajaram** is admitted to bail on furnishing a personal bond to the tune of **Rs.10,000/- (Rupees Ten Thousand Only)** with one local surety **of the like amount to the satisfaction of Ld. JMFC/Ld. Duty JMFC/Ld. Link JMFC**, with the directions that the applicant/accused shall not make any attempt to influence the witnesses or try to approach any of the witnesses of this case, in any manner whatsoever; that in case, he changes his address, he will intimate regarding the same to the Court; that he will not indulge himself in any other case of similar nature.

10. Copy of this order be given dasti to Ld. Counsel for the applicant/accused and to the IO, as prayed for.

11. Copy of this order be also sent to the concerned Jail Superintendent for intimation.

12. The present application is accordingly disposed of.

(Shefali Barnala Tandon)
ASJ-06 / New Delhi District
Patiala House Court/02.04.2026 (gr)