

**IN THE COURT OF SH SAMAR VISHAL, ADDITIONAL
SESSIONS JUDGE-02, SOUTH DISTRICT, SAKET COURTS, NEW
DELHI**

Bail Matter No. : 1621/2026
FIR No. : 194/2019
Police Station : Ambedkar Nagar
under Section : 302/498A/34 IPC

IN THE MATTER OF:

State

...Non-Applicant
Through: Sh. Arun Kumar Singh
Ld. Additional Public Prosecutor

V.

Nasir

....Applicant
Through: Mohammad Mustafa
Ld. Counsel

DATE OF FILING OF APPLICATION	: 30.07.2026
DATE OF ARGUMENTS	: 08.08.2026
DATE OF PRONOUNCEMENT	: 08.08.2026

ORDER

08.08.2026

1. This is the fourth application moved on behalf of applicant Nasir seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is noted that the third bail application has been dismissed as withdrawn. Bail application of the applicant has also been

dismissed from Hon'ble High Court of Delhi vide order dated 23.12.2024.

2. It is stated on behalf of the applicant Nasir that he is innocent and has falsely been implicated in the present case. It is further submitted that other co-accused persons have already been granted regular bail. It is further submitted that all the material public witnesses including star witnesses have already been examined and only official/police witnesses remain to be examined. It is further stated that deposition of PW1/eye witness does not support the prosecution case and also the weapon of offence has not been recovered. It is further stated that applicant is a victim of circumstances and he has been made scapegoat in the instant case. It is further stated that he is in judicial custody for last more than seven years and no bad conduct or complaint has been found against him from jail authority. It is further stated that all the material public witnesses have already been examined including eye witness and therefore there is no chance of tampering with the evidence if the applicant is bailed out. It is further stated that conclusion of trial will take considerable period of time as prosecution has cited 23 witnesses out of them only 16 witnesses have been examined in last more than seven years. It is further submitted that he is person of clean antecedent and having deep root in the society and therefore no chance of fleeing from justice. It is lastly stated on behalf of applicant that he undertakes to produce sound surety if he is released on regular bail.

3. Learned Additional Public Prosecutor for the State has opposed the application on the ground that the nature of offence is serious in nature and therefore he may not be enlarged on bail. It is further submitted that only four witnesses are remained to be examined which are police witnesses out of which one of the witnesses is to be examined today and therefore the trial is now at an advanced stage and is nearing completion.

4. I have heard learned counsel for the applicant and learned Additional Public Prosecutor for the State. I have also gone through the record.

5. After hearing both the sides, it is clear that this bail application has been filed practically on the same grounds on which the earlier bail application was filed before the Ld. Sessions Court and was dismissed on 04.11.2024. The applicant had also approached before the Hon'ble High Court of Delhi where his application for grant of regular bail has been dismissed vide order dated 23.12.2024. Though, an accused has a right to file successive bail application but in that case he has to show some change in circumstances for a favourable order. In the present case, nothing has been brought forth that what are the change in the circumstances leading to the filing of this application after its dismissal on 04.11.2024 and 23.12.2024.

6. In so far as the conclusion of examination of material public witnesses and the delay caused in the examination of remaining

witnesses affecting the right of the applicant to speedy trial, no doubt, the record of the case reveals the time consumed in examination of the witnesses, however, the trial is now at an advanced stage and is at the verge of completion as prosecution cited 23 witnesses out of which only four witnesses remain to be examined. It is noted that one police witness in the present case has been examined today as PW16.

7. It is pertinent to note that the court is not required to conduct a detailed appreciation of evidence on record. However, the material collected during investigation and the evidence which has emerged during the course of trial disclose does not entitle him for bail at this stage. The defence raised by Ld. Counsel for applicant would require appreciation of evidence in detail, which is a matter to be considered at the appropriate stage while adjudicating the case on merits.

8. Upon considering the overall facts and circumstances, I am of the view that there is no material change in circumstances since the earlier rejection of bail, the material available on record discloses a strong prima facie case against the applicant and the trial is at an advanced stage and at the verge of completion.

9. The aforesaid circumstances taken together do not warrant grant of bail to the applicant at this stage. Hence, the present regular bail application moved on behalf of the applicant Nasir under section 483 BNSS stands dismissed.

10. Any observation made here-in-above for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

11. Let a copy of this order be transmitted to through concerned jail superintendent, to the trial Court, Filing Counter- Filing and Bail Section. Further, let a copy of this order be given dasti to the pairakar through counsel, to the complainant through counsel and also to the IO for information and compliance, if any.

**Announced in the open
Court on 08.08.2026**

**(SAMAR VISHAL)
Additional Sessions Judge-02,
South, Saket Courts, New Delhi
08.08.2026**