

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

Bail Matter No. : 1613/2026
FIR No. : 274/2026
Police Station : Sangam Vihar
under Section : 115(1)/126(2)/109(1) BNS

IN THE MATTER OF:

State

...Non-Applicant

Through: Sh. Arun Kumar Singh
Ld. Additional Public Prosecutor
IO /ASI Ramkesh PS Sangam Vihar
Md. Talat, Ld. Counsel for complainant

V.

Rajesh Kumar @ Gattu

...Applicant

Through: Ms. Tara Narula, Ms. Aishwarya Nabh, Ms. Ragini Nagpal
and Ms. Gauri Ramachandran
Ld. Counsels

DATE OF FILING OF APPLICATION	: 30.07.2026
DATE OF ARGUMENTS	: 04.08.2026
DATE OF PRONOUNCEMENT	: 04.08.2026

ORDER

04.08.2026

1. The present application has been moved on behalf of the applicant/accused, Rajesh Kumar @ Gattu, seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS").

2. It is stated in the application that the applicant has been in judicial custody since 05.07.2026 and has no previous criminal antecedents. It is contended that the prosecution case is false and does not disclose the complete sequence of events leading to the alleged incident. According to the applicant, it was the complainant and his brothers who came to his shop and initiated the assault upon him. It is submitted that these circumstances were neither disclosed in the FIR nor brought to the notice of the learned Court at the time of the applicant's first production on 05.07.2026.

3. It is further submitted that the applicant is not a flight risk and there is no reasonable apprehension of his absconding if released on bail. The applicant is stated to be the sole breadwinner of a family comprising five members. It is also contended that no useful purpose would be served by his continued incarceration.

4. Learned counsel for the applicant has further submitted that the injuries attributed to the complainant and his brothers are simple in nature. In particular, the injury recorded in respect of Tinku is described as "complaint of pain over right forearm and neck," which, according to the applicant, does not prima facie attract the ingredients of the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023. It is also submitted that the investigation qua the applicant stands completed and that he satisfies the triple test governing the grant of bail. The applicant undertakes to comply with every condition that may be imposed by this Court. Reliance has also been placed upon the CCTV

footage of the alleged incident, which, according to the applicant, corroborates his version that the complainant and his associates, while in an inebriated condition, had come to his shop and assaulted him.

5. Learned Additional Public Prosecutor for the State, assisted by learned counsel for the complainant, has opposed the application. It is contended that, if released on bail, the applicant may threaten the complainant, influence material witnesses or evade the process of law. As per the reply filed by the Investigating Officer, however, the investigation qua the applicant has been completed and the charge-sheet has been prepared and is likely to be filed shortly before the learned Trial Court.

6. I have heard learned Additional Public Prosecutor for the State, learned counsel for the applicant and learned counsel for the complainant. I have also perused the record and viewed the CCTV footage pertaining to the alleged incident.

7. Undoubtedly, the allegations levelled against the applicant are serious. Nevertheless, at the stage of considering an application for bail, the Court is neither required to conduct a meticulous examination of the evidence nor to hold a mini-trial or return any conclusive finding on the merits of the case. The relevant considerations include the nature and gravity of the accusation, the role attributed to the applicant, the period of custody undergone, the stage of investigation and trial, the likelihood of the applicant absconding, and the possibility of his tampering with 14

ptevidence or influencing witnesses.

8. A perusal of the CCTV footage prima facie shows that the complainant's side had gone to the shop of the applicant, where an altercation ensued and the incident in question thereafter took place. The precise genesis of the occurrence, the manner in which the altercation developed and the respective roles of the parties are matters to be determined during trial on the basis of the evidence led by them. At this stage, however, the footage constitutes a relevant circumstance for the limited purpose of considering the applicant's prayer for bail.

9. It is also pertinent that, as per the report of the Investigating Officer, the investigation qua the applicant stands completed and the charge-sheet has already been prepared and is likely to be filed shortly. Consequently, the continued custodial detention of the applicant does not appear to be necessary for the purpose of investigation. The applicant has been in judicial custody since 05.07.2026 and is not stated to have any previous criminal involvement. There is also no material presently placed on record to indicate that the applicant is likely to abscond or evade the process of law. The apprehension regarding intimidation of witnesses or tampering with evidence can be adequately addressed by imposing appropriate conditions.

10. Accordingly, considering the totality of the facts and circumstances, the period of custody already undergone, completion of the investigation qua the applicant, absence of previous criminal

antecedents and the material presently available on record, and without expressing any opinion on the merits of the case, the applicant/accused Rajesh Kumar @ Gattu is admitted to regular bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount, to the satisfaction of the learned Trial Court/Duty JMFC, subject to the following conditions:

- i. The applicant shall appear before the learned Trial Court on every date of hearing unless his personal appearance is exempted in accordance with law.
- ii. The applicant shall not, directly or indirectly, make any inducement, threat or promise to the complainant, any prosecution witness or any other person acquainted with the facts of the case.
- iii. The applicant shall not tamper with the evidence or attempt to influence the investigation or trial in any manner.
- iv. The applicant shall furnish his current residential address and mobile number to the Investigating Officer as well as to the learned Trial Court and shall intimate any change thereof without delay.

11. The bail application is accordingly allowed and disposed of.

12. It is clarified that the observations made herein-above are tentative in nature, confined solely to the adjudication of the present bail application, and shall not be construed as an expression of opinion on the merits of the case.

13. A copy of this order be transmitted to the concerned Jail Superintendent, the learned Trial Court along with the Trial Court Record, the Filing Counter, and the Filing and Bail Section. A copy of the order be also supplied dasti to learned counsel for the applicant and to the Investigating Officer for information and necessary compliance.

**Announced in the open
Court on 04.08.2026**

**(SAMAR VISHAL)
Additional Sessions Judge-02,
South, Saket Courts, New Delhi
04.08.2026**