

Bail Application No. 1620/2026
STATE Vs. NARESH
FIR No. 85/2026
PS Safdarjung Enclave
U/sec. 309(4)/311/3(5) BNS &
25/27 Arms Act

03.08.2026

Present: Sh. Wasi Ur Rehman, Ld. Substitute Addl. PP for State.
Sh. Arvind Kumar Rai, Ld. Counsel for the
accused/applicant.

This is an application for grant of bail under Section 483
BNSS moved on behalf of accused/applicant **Naresh**.

Reply has been filed on behalf of the IO.

Arguments heard and record perused.

01. The facts of the case as taken note of from the reply of the IO are that, *“On 02.02.2026, a PCR call was received at the police station regarding ‘Address B-3/65-66 ke paas near Baba School. Caller ne bataya ki 3 ladke jo Splendor motorcycle par aay ethe, jinka motorcycle number note nahin ho paya, unhone mere sath maar peet ki aur paise chheen kar Rajender Dhaba ki taraf bhaag gaye. Meri bike ki chabi bhi le gaye main.’ The said PCR call was received at 00:17:17 hrs and was marked to him for taking action.*

Thereafter, after approximately 16 minutes, another PCR call was received on 02.02.2026 at 00:33:27 hrs regarding “NCC Gate, Safdarjung – Caller ne bataya ki 3 bike sawar uske saath maar peet

karke Rs. 1000 -1200 chheen kar le gaye. Motorcycle number note nahin kar paya.’ The said call was also marked to him for necessary action.

Further, another PCR call (3rd PCR Call) was received on 02.02.2026 at 00:35:17 hrs regarding “Green Park se market mein, Gate ke pass, Gurudwara Road – Caller ne bataya ki black Splendor motorcycle par 3 aadmi the, number nahin dekha, jo chaku dikha kar Rs. 2000/- chheen kar le gaye. Do vyaktiyon ne helmet pehna tha aur muh dhaka hue tha”. The was also marked to the him.

On the basis of the first PCR call, FIR No. 83/2026 was registered on the complaint of the complainant namely, Pratap Choudhary. Subsequently, FIR No. 84/2026 on the complaint of the complainant Md. Issa and FIR No. 85/2026 on the complaint of the complainant Shravan Kumar Choudhary were also registered on the complaints of the respective complainants under section 309(4)/3(5) BNS.”

02. Upon the registration of FIR, the police apprehended the accused persons including the applicant on the basis of the CCTV recordings. The applicant got recovered one buttondar knife statedly used in the commission of the offence. During the investigation, Section 311 BNS was added.

03. It is argued by Ld. Counsel for the applicant/accused that the applicant has been in custody for more than 05 months. It is further

submitted that the applicant has been falsely implicated in this case on the basis of suspicion only. It is further submitted that other two co-accused has already been granted bail and after filing of chargesheet, no fruitful purpose would be served by keeping the accused in custody.

04. Per contra, Ld. Substitute Addl. PP submits that the allegations against the applicant/accused are grave and serious in nature. It is further submitted that the matter is pending trial and the applicant may hamper the trial by fleeing from justice.

05. In the case of *Sanjay Chandra v. CBI, (2012) 1 SCC 40*, the Apex Court deliberated upon the factors while granting or declining bail and observed as follows:

“37. The principles, which the Court must consider while granting or declining bail, have been culled out by this Court in the case of *Prahlad Singh Bhati v. NCT, Delhi, (2001) 4 SCC 286*, thus:

"8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of the evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail

the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

38. In *State of U.P. v. Amarmani Tripathi*, (2005) 8 SCC 21, this Court held as under:

"18. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail [see *Prahlad Singh Bhati v. NCT, Delhi* and *Gurcharan Singh v. State (Delhi Admn.)*]. While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in *Kalyan Chandra Sarkar v. Rajesh Ranjan*: (SCC pp. 535-36, para 11) "11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting

bail; they are:

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- (b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- (c) Prima facie satisfaction of the court in support of the charge.”

06. The accused is a young offender having no previous criminal record. The accused has been in custody for the last more than 05 months. The other co-accused has already been enlarged on bail. On perusal of the chargesheet, no substantial evidence found on record to establish that the accused had used knife in the alleged offence. In the light of attending facts and circumstances, the court is of the considered view that no fruitful purpose would be served by keeping the accused in custody.

Considering the facts and submissions, the application is allowed and the accused is admitted to bail on furnishing personal bond in the sum of **Rs.20,000/-** alongwith one surety in the like amount subject to the following conditions :-

1. The accused shall not contact or influence any witness in any manner whatsoever.
2. The accused will not leave the country without permission of the court.
3. The accused shall intimate to the court in case of change of his residential address.

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Needless to say, the observation made herein are without prejudice to the merits of the case.

Copy of the order be given dasti.

(Pawan Kumar)
Addl Sessions Judge-06 (South)
Saket Courts/ New Delhi/03.08.2026