

IN THE COURT OF MS. RICHA PARIHAR
ASJ-05, SOUTH, SAKET COURTS, NEW DELHI

Bail Matters 1615/2026

STATE Vs. ABHISHEK

FIR No.0224/2026

**U/s 115(2)/126(2)/76/351(3) read with Section 3(5) of the
Bharatiya Nyaya Sanhita, 2023.**

PS (Maidan Garhi)

CNR no. DLST010087902026

06.08.2026

**Vide order No. Judl.II/F.102/South/saket/2026/24399-24434,
New Delhi dated 04.08.2026, issued by Ld. Principal District
& Sessions Judge (South), this Court has been authorised U/s
8(8) of the BNSS to dispose of bail/urgent applications
pertaining to the police stations / investigating agencies, as
mentioned in the said order.**

***Application u/s 483 of the Bhartiya Nagarik Suraksha Sanhita,
2023 for the grant of regular bail filed on behalf of the
applicant.***

Present: Sh. Arun Kumar Singh, Ld. Addl. PP for the State.
Sh. Sachin Kumar, Ld counsel for the applicant/
accused.

1. Arguments already heard and the matter is listed for Order today.
2. Briefly stated, the prosecution case is that on receipt of DD no. 91 A dated 16.07.2026 of an information regarding the admission of the injured at AIIMS Trauma Centre, the Investigating Officer reached the hospital and collected the MLC of the injured. The complainant, in his statement, alleged that on 16.07.2026, the present applicant, along with his brother, another co-accused and other family members, assaulted him with iron rods and dandas,

causing injuries on his head and other parts of the body. During investigation, it has further been alleged that the present applicant and his brother tore the clothes of the complainant's wife and attempted to disrobe her. On the basis of the aforesaid allegations, the present FIR came to be registered.

3. Ld. counsel for the applicant submits that the applicant has been in judicial custody since 17.07.2026. It is contended that the applicant has been falsely implicated and that the present FIR is a counterblast to a criminal case already registered against the complainant and his family members in respect of an assault allegedly committed upon the applicant. It is further submitted that at the relevant time, the applicant was himself undergoing medical treatment after sustaining injuries. Learned counsel further submits that the offences alleged are punishable with imprisonment extending up to seven years and places reliance upon the judgments of the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar* and *Satender Kumar Antil v. CBI*. It is argued that no further custodial interrogation of the applicant is required and that continued incarceration would serve no useful purpose.
4. Per contra, learned Additional Public Prosecutor for the State, assisted by the reply filed by the Investigating Officer, has opposed the bail application. It is submitted that the allegations are grave in nature and include not only a violent assault upon the complainant but also allegations

of outraging the modesty of the complainant's wife by tearing her clothes and attempting to disrobe her. It is further submitted that the investigation is still in progress, the final opinion on the complainant's MLC is yet to be received, and the charge-sheet has not yet been filed. It is also pointed out that the applicant has previous criminal involvement in two cases and that there exists continuing hostility between the parties, who have lodged cross-cases against each other. It is, therefore, contended that the release of the applicant at this stage may adversely affect the investigation and disturb public peace.

5. I have given my thoughtful consideration to the rival submissions and have perused the material available on record.
6. The allegations against the applicant are that he, along with the co-accused, committed a violent assault upon the complainant with iron rods and dandas, resulting in injuries, and further attempted to disrobe the complainant's wife by tearing her clothes. The offences alleged under Sections 115(2), 126(2), 76, 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, particularly the allegations concerning outraging the modesty and attempted disrobing of a woman, are undoubtedly serious in nature and cannot be viewed lightly at this stage.
7. It is not in dispute that the applicant has remained in judicial custody since 17.07.2026. However, the investigation has not yet concluded. The Investigating

Officer has specifically submitted that the final medical opinion on the complainant's MLC is still awaited and that the charge-sheet has not yet been filed. Thus, the investigation is yet to attain finality.

8. The defence has raised a plea that the present FIR is a counterblast to another criminal case arising out of the same occurrence and has also asserted that the applicant himself sustained injuries. These submissions constitute the defence of the applicant and are matters to be examined during the course of investigation and trial. At this stage, this Court refrains from expressing any opinion thereon.
9. The record further reveals that the applicant has previous criminal involvement in two cases. Though criminal antecedents alone cannot be treated as conclusive for declining bail, they nevertheless constitute a relevant circumstance while assessing the overall facts and the prayer for grant of discretionary relief.
10. The material placed before the Court also indicates that there is continuing hostility between the parties and that cross-cases have been registered against each other. In such circumstances, the apprehension expressed by the prosecution regarding the possibility of the applicant influencing witnesses or the likelihood of further disturbance of public peace cannot, at this stage, be said to be entirely unfounded.

11.The judgments relied upon by the learned counsel for the applicant in *Arnesh Kumar v. State of Bihar* and *Satender Kumar Antil v. CBI* undoubtedly reiterate the importance of personal liberty and the principle that arrest and detention should not be mechanical in offences punishable up to seven years. However, those principles do not mandate grant of bail in every case. The Court is required to consider the totality of the circumstances, including the nature and gravity of the accusations, the stage of investigation, the antecedents of the accused, the possibility of influencing witnesses or obstructing the investigation, and the larger interests of justice.

12.Having regard to the gravity of the allegations, particularly those relating to the assault as well as the alleged outraging of the modesty and attempted disrobing of the complainant's wife, the fact that the investigation is still in progress and the charge-sheet has not yet been filed, the previous criminal involvement of the applicant, and the admitted hostility between the parties, I am of the considered opinion that the applicant has not made out a fit case for grant of regular bail at this stage.

13. Accordingly, the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is dismissed at this stage.

14.It is, however, clarified that nothing observed herein shall be construed as an expression of opinion on the merits of the case.

15. Copy of order be given dasti to Ld. counsel for applicant/
accused and be also sent to concerned Jail Superintendent.

(Richa Parihar)
ASJ-05(South), Saket Courts, Delhi
06.08.2026