

For Respondent(s) :

**Mr. Davinder Pal Singh, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Seema Bengani, Adv.
Mr. Aman Jha, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Diwakar Sharma, Adv.
Mr. Mohan Prasad Gupta, Adv.**

**UPON hearing the counsel the Court made
the following
O R D E R**

1. Our order dated 29.01.2026 reads thus:-

"1. Exemption Applications are allowed.

2. We wonder whether the Trial Court is aware of the Judgment rendered by this Court in the case of "Gajanan Dattatray Gore v. State of Maharashtra and Another" reported in 2025 SCC OnLine SC 1571 wherein in so many words, this very Bench said the following:-

"23. In the case in hand, so far as the plea for regular bail is concerned, we are not inclined to look into. The appellant has made a mockery of justice. He could be said to have abused the process of

law. If at all the High Court wanted to release the appellant on bail, it should have first asked him to deposit the amount within a particular period of time and upon such deposit the appellant could have been released.

24. Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the

case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail."

3. *At least it was expected of the High Court to look into the Judgment, referred to above.*

4. *Issue notice, returnable in two weeks.*

5. *Dasti service, in addition, is permitted.*

6. *Liberty is granted to serve the Standing counsel for the Government of National Capital Territory of Delhi.*

7. *In the meantime, the condition as regards deposit of an amount of Rs.10,00,000/- (Rupees Ten Lakh only) by the petitioner shall remain stayed from its operation."*

2. We heard Mr. Sudhir Naagar, the learned counsel appearing for the petitioner and Mr. Arkaj Kumar, the learned counsel appearing for the NCT of Delhi.

3. In view of our aforesaid order, nothing

further is required to be adjudicated.

4. The Trial Court has already granted anticipatory bail to the petitioner, however, subject to deposit of Rs.25,00,000/- (Rupees Twenty Five Lakh only) which we do not approve.

5. When the matter was carried to the High Court, the High Court reduced it to Rs.10,00,000/- (Rupees Ten Lakh only). Even this approach of the High Court, is not approved by us, more particularly, when there is a direct Judgment of this Court referred to above.

6. In such circumstances, we affirm the original order passed by the Trial Court, releasing the petitioner on bail without any condition of deposit of a particular amount.

7. In the aforesaid view of the matter, nothing survives now even in the matter which is pending before the High Court of Delhi.

The same is disposed of accordingly.

8. With the aforesaid, the Special Leave Petition stand disposed of.

9. Pending application(s), if any, also stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)