

ITEM NO.2

COURT NO.7

SECTION II-D

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.1239/2026

[Arising out of impugned final judgment and order dated 22-12-2025 in CRLMA No. 38212/2025 passed by the High Court of Delhi at New Delhi]

NAGENDER KUMAR

Petitioner(s)

VERSUS

STATE NCT OF DELHI & ANR.

Respondent(s)

(IA No. 21190/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 21187/2026 - EXEMPTION FROM FILING O.T.)

Date : 29-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Sudhir Naagar, AOR
Mr. Manohar Naagar, Adv.
Mr. Arun Kumar Nagar, Adv.
Mr. Bobby Choudhary, Adv.
Mr. Divyansh Sharma, Adv.
Mr. Mohit Singh, Adv.

For Respondent(s) :

Mr. Davinder Pal Singh, ASG
Mr. Aman Jha, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Diwakar Sharma, Adv.
Ms. Seema Bengani, Adv.

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

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.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)