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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010399612026

+ **BAIL APPLN. 3520/2026**

MOHD NURAIN

.....Petitioner

Through: Mr. Anubhav Mehtotra and Mr.
Ashutosh Rana, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP with SI
Shiv Dayal Kumar, PS Dayal Pur.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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25.08.2026

1. This hearing has been done through hybrid mode.

CRL.M.A. 26222/2026 (seeking exemption)

2. Allowed, subject to all just exceptions. Application stands disposed of.

BAIL APPLN. 3520/2026

3. The present application has been filed seeking grant of regular bail in FIR No. 350/2025, registered at Police Station Dayal Pur, for offences punishable under Sections 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the 'BNS').

4. Learned counsel for the petitioner submits that the charge-sheet has already been filed and the petitioner has been in judicial custody for more than one year.



5. He further submits that the co-accused has already been granted regular bail by this Court vide order dated 30.07.2026 and, therefore, the petitioner is also entitled to the benefit of bail.

6. Per contra, learned APP for the State opposes the present application and submits that the allegations against the petitioner are serious in nature. It is further submitted that the role attributed to the present petitioner is distinguishable from that of the co-accused who has already been enlarged on bail. Learned APP further submits that the injured witness is yet to be examined before the learned Trial Court.

7. Heard the learned counsels for both the parties and perused the material placed on record.

8. The petitioner has been in judicial custody for more than one year. The charge-sheet has already been filed and the investigation qua the petitioner stands concluded.

9. The complainant has also been examined before the learned Trial Court. Although the injured witness is yet to be examined, this Court is of the view that the same, by itself, would not justify further incarceration of the petitioner as the trial is likely to take time to conclude.

10. In view of the aforesaid facts and circumstances, and without commenting upon the merits of the case, the present application is allowed. The applicant/petitioner is directed to be released on regular bail on furnishing a bail bond to the sum of ₹25,000/- with a surety of like amount, to the satisfaction of the learned Trial Court/Link Court, subject to the following conditions:

- i. The applicant shall not leave India without prior permission of the learned Trial Court.



- ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
11. Therefore, the application is allowed and disposed of accordingly.
 12. Pending application(s), if any, also stand(s) disposed of.
 13. Needless to state again, nothing mentioned hereinabove shall be construed as an opinion on the merits of the case.
 14. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.
 15. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 25, 2026/JYH/PG