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

CNR No. DLHC010872762025

+ **BAIL APPLN. 4270/2025**

ABHISHEK @ KAKE

.....Petitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHI THROUGH SHO PS MEHRAULI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Naveen Kumar, PS: Mehrauli.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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12.08.2026

1. The applicant, by the way of the present application, seeks anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita ("**BNSS**") in connection with FIR No. 652/ 2025 for the offence punishable under Sections 109(1), 351(3) and 3(5) registered at PS Mehrauli, Delhi.
2. As per the allegations, the complainant alleges that on 16.10.2025 at around 2 AM, when he was returning to his house on a scotty, he was surrounded by the main accused Jatin and other co-accused. They assaulted, threatened, and attacked him with a sharp-edged object, thereby causing serious injuries.
3. This Court *vide* order dated 10.11.2025 had protected the applicant



from arrest. During the pendency of his application, the applicant had appeared as and when he was called for.

4. The Investigating Officer (“IO”) informs Ms. Gupta that the investigation has completed and the chargesheet was filed. The charges against the accused persons along with the applicant have also been framed and the trial is underway.

5. Furthermore, it is also informed by the IO that the complainant/injured in this case has no objection if bail is granted. It is seen that there are six accused persons. Four have already been enlarged on regular bail. The main accused Jatin, who had caused the stab injury, is already in jail.

6. The principles governing the grant of anticipatory bail have been succinctly and authoritatively settled by the Constitution Bench of the Supreme Court in **Gurbaksh Singh & Ors. v. State of Punjab**,¹. It was held that the power under Section 438 of the Code of Criminal Procedure (“CrPC”) [corresponding to Section 482 BNSS] is an extraordinary discretionary remedy intended to protect personal liberty and is to be exercised on the facts and circumstances of each case. The Constitution Bench further held that while exercising such discretion, the Court must strike a balance between the individual’s right to personal liberty and the investigational powers of the police. It was also observed that anticipatory bail cannot be granted on vague or general apprehensions and that no inflexible restrictions or conditions, not envisaged by the statute, can be imposed while considering an application under Section 438 CrPC.

7. The aforesaid principles were further elucidated in **Siddharam**



Satlingappa Mhetre v. State of Maharashtra², wherein the Supreme Court emphasised that the power under Section 438 CrPC is intrinsically connected with the guarantee of personal liberty under Article 21 of the Constitution and must be exercised bearing in mind the presumption of innocence. The Court observed that “*bail is the rule and jail is the exception*” and held that denial of anticipatory bail would be justified only where the facts disclose a genuine necessity, such as the requirement of custodial interrogation or the likelihood of the applicant absconding, tampering with evidence or influencing witnesses.

8. Bearing in mind the aforesaid facts and circumstances, in the event of arrest, the applicant is directed to be released on bail subject to such terms and conditions as may be imposed by the concerned IO.

9. With the aforesaid observations, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 12, 2026/p/Ad

¹ (1980) 2 SCC 565.

² (2011) 1 SCC 694.