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

+ **BAIL APPLN. 1095/2025**

MANOJ KUMAR

.....Petitioner

Through: Mr. Gaurav Soni and Mr. Amardeep Soni, Adv.

versus

**THE STATE (NCT OF DELHI) THROUGH SHO STATION
HOUSE OFFICER & ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for State with
Ms. Divya Bakshi, Adv.

Ms. Tanya Gupta, Mr. Tushar Kwatra and
Mr. Shubham Aggarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **15.10.2025**

1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [corresponding to Section 438 of Code of Criminal Procedure, 1973 (hereinafter "CrPC")] has been filed by the petitioner, Manoj Kumar, seeking anticipatory bail in connection with FIR No. 0080/2025 registered at Police Station Krishna Nagar, East Delhi, for offences punishable under Sections 305/331(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").
2. The said FIR was lodged on 23.01.2025 on the complaint of Sushil



Kumar Jaiswal, alleging that on 22.01.2025 at around 3 PM, the accused persons, namely the petitioner, Mukesh, Pappu, and Pushpa, along with some other unidentified individuals, forcibly trespassed into his office premises situated at House No. A-12, Gali No. 2, Kanti Nagar, Shahdara, Delhi (hereinafter “subject property”), by breaking the wall and ceiling, assaulted him, and removed articles including a laptop, hand tools, electrical accessories, utensils, gas cylinder, and cash amounting to ₹13,500/-. The complainant also alleged prior threats and intimidation by the accused to vacate the property.

3. During investigation, the police collected CCTV footage from a nearby electricity pole, allegedly showing a tempo arriving at the scene and individuals damaging the office roof and wall. The co-accused Pappu was apprehended and remains in judicial custody, whereas the petitioner is not arrested.

4. Petitioner had earlier approached the Court of the learned Additional Sessions Judge (SC-RC), East, Karkardooma Courts, Delhi, by way of Bail Application No. 118/2025, which was disposed of as withdrawn on 12.02.2025, and subsequently by Bail Application No. 149/2025, which was dismissed on 27.02.2025. The learned ASJ, while dismissing the second application, observed that the petitioner appeared to be directly connected with the commission of the offence, noting the presence of his alleged associate Pappu at the scene and the telephonic communication between them before and after the incident, as per call-detail records.

5. Mr. Gaurav Soni, learned Counsel for the petitioner submitted that the petitioner is the lawful owner of the said property, having purchased it in 2012–13 from one Rajiv Kamal Agarwal. He claims that one room on the



ground floor was under the occupation of the complainant, and that in order to obtain possession lawfully, he engaged one Ashish Kashyap, who represented himself as an advocate. An agreement dated 25.11.2024 was executed between them, wherein Ashish Kashyap undertook to secure vacant possession of the room for a consideration of ₹21,00,000/-, of which ₹2,00,000/- was allegedly paid in advance by the petitioner. The petitioner claims that subsequently ₹12,00,000/- more was paid in good faith, but without his knowledge or consent, Ashish Kashyap acted illegally, leading to registration of the FIR.

6. Further, it is submitted that he was not present at the scene of occurrence and has been falsely implicated. It is stated that he lodged complaints by email and speed post to the SHO, Police Station Krishna Nagar and Commissioner of Police, Delhi, on 08.03.2025 and 10.03.2025 respectively, enclosing a copy of the above agreement, alleging that Ashish Kashyap was responsible for any unlawful acts committed.

7. Mr. Satish Kumar, learned APP for the State opposed the grant of anticipatory bail. It was submitted that the allegations against the petitioner are grave and substantiated by material collected during investigation. The case arose from a PCR call received on 22.01.2025 reporting that 15–20 persons were demolishing the roof and creating a ruckus at the complainant's office located at the subject property. On reaching the spot, the police found that the roof and backside wall of the complainant's room had been completely demolished, and tools such as hammers and iron rods were recovered.

8. It was further submitted that during investigation, CCTV footage clearly depicted accused Pappu and some other individuals forcibly breaking



open the gate and demolishing the structure. The CDRs revealed that the petitioner was in constant telephonic contact with co-accused Pappu before and after the incident, and his location was traced near the scene of occurrence. The petitioner, despite repeated attempts, has evaded arrest, while co-accused Pappu has been apprehended and sent to judicial custody.

9. Learned APP also pointed out that the petitioner had previously been a party to Civil Suit No. 241/2013, wherein he had given an undertaking before the concerned Civil Court not to cause any damage to the portion of the property in possession of the complainant. The present act, therefore, constitutes a wilful breach of such undertaking. Considering the nature of the offence, the direct role of the petitioner, and his deliberate abscondence, it was urged that custodial interrogation is necessary and that grant of anticipatory bail at this stage would prejudice the ongoing investigation.

10. After hearing the learned counsel for the parties and perusing the record, this Court observes that it is an admitted position that the petitioner is the lawful owner of the subject property, while the complainant has been in occupation of the ground floor portion of the same. The dispute between the parties admittedly pertains to possession of the said portion, for which a civil suit is already pending, wherein the petitioner is arrayed as one of the defendants and had given an undertaking through his advocate not to touch, interfere with, or demolish the portion of the property in possession of the complainant.

11. Although the present incident mentioned in the FIR also arises out of the said property dispute, this Court notes that the investigation has already been completed by the police. The co-accused Pappu has been arrested, interrogated, and the chargesheet against him has been filed before the



concerned Court. Furthermore, there are no previous criminal antecedents reported against the present petitioner.

12. This Court further observes that the allegations made in the FIR are yet to be established through evidence, and their veracity can only be determined during the course of trial. At this stage, no useful purpose would be served by taking the petitioner into custody, particularly when the investigation is complete and co-accused have already been interrogated. The question whether the consequences of the present dispute are to be treated as civil in nature or give rise to criminal liability is a matter to be adjudicated upon at trial. Hence, the Court finds no necessity for custodial interrogation of the petitioner.

13. In view of the above, this Court finds it a fit case to grant the relief of anticipatory bail. Accordingly, the application is allowed. The petitioner be released on bail in the event of arrest on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the SHO/IO concerned on the following terms and conditions:

- i.** The petitioner shall remain available on the mobile numbers shared by him with the Police.
 - ii.** The petitioner shall not leave the country without prior permission of the concerned Court.
 - iii.** The petitioner shall not directly or indirectly make any attempt to influence the witnesses or tamper with the evidence in any manner.
 - iv.** In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned SHO/IO.
- 14.** It is clarified that nothing stated herein shall be construed as an



expression of opinion on the merits of the case. The application is allowed and disposed of in the aforementioned terms.

AJAY DIGPAUL, J

OCTOBER 15, 2025

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