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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1345/2025 & CRL.M.A. 13482/2025**

SACHIN YADAVApplicants
Through: Mr. Anand Prakash
Sharma & Mr. Dhananjaj
Kumar Singh, Advs.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Anmol Lavish, PS-
Hauz Khas
Mr. R.R. Bag & Mr.
Rajbeer, Advs. for
complainant

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
02.05.2025

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1. The present application is filed seeking regular bail in FIR No. 109/2025 dated 18.02.2025, registered at Police Station Hauz Khas, for the offence under Sections 110/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').
2. The present FIR was registered on a complaint made by one Savita Yadav (wife of the younger brother of the applicant's father). It is alleged that the applicant's mother used to quarrel with the complainant and her family to force them to transfer their share of the property to her. It is alleged that on 06.10.2023, the applicant's parents and siblings along with the applicant quarrelled with the complainant and her family. After the death of the applicant's father, the applicant's family allegedly harassed and frequently fought with the complainant and her



family. A lethal attack was allegedly carried out by the applicant and his siblings on the complainant and her family on 30.04.2024 as well.

3. It is alleged that on 17.02.2025, at about 7PM, when the complainant was descending the stairs to go to hospital with her son, the applicant's mother started abusing and physically attacking her. On this, the applicant, his sister and an elderly relative came out of their house. The applicant's sister attacked the complainant's son on his head with a sharp object while another elderly relative of the applicant held the complainant's son tightly. It is alleged that hearing the commotion, the complainant's son came to the spot and he was given beatings by the applicant's brother and his friend.

4. On 17.02.2025, multiple PCR calls were received regarding the incident informing that the complainant and the family members of the applicant were engaged in a fight, throwing glass bottles and stones at each other.

5. During investigation, it was found that the applicant had broken the CCTV cameras of the complainant previously as well as on the night of 17.02.2025, subsequent to the incident, despite the presence of police personnel at the scene.

6. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case.

7. He submits that the injuries suffered by the complainant and her son are simple in nature and the altercation arose out of a long-standing dispute between the parties. He submits that a cross FIR, being FIR No. 110/2025 was also registered against the complainant in relation to the incident.

8. He further submits that the CCTV footage of the incident



clearly shows that it was the complainant who launched the attack upon the mother of the applicant. He submits that the applicant had merely interceded to save his mother from the complainant.

9. He further submits that the sister and mother of the applicant have already been granted pre-arrest bail by the learned Trial Court.

10. *Per contra*, the learned Additional Public Prosecutor ('APP') for the State strongly opposes the grant of any relief to the applicant. He states that the parties have registered multiple FIRs against each other till date in relation to their various quarrels and four cases are pending against the applicant.

11. The learned counsel for the complainant seconds the opposition to grant of bail to the applicant. He submits that the applicant is a habitual offender and the complainant apprehends danger to her life and that of her family from him.

12. I have heard the counsel and perused the record.

13. It is informed that the complainant and the accused persons are relatives who are residing within the same premises and sharing common access areas, including staircases. A longstanding property dispute between the parties has led to repeated confrontations. The CCTV footage allegedly shows that the applicant is wielding a baseball bat in a threatening manner.

14. It is argued on behalf of the applicant that it was the complainant who had attacked his mother and instigated the attack. A cross-FIR is also stated to have been registered at the instance of the applicant's mother in relation to the incident.

15. While the allegations and defences will be seen during the course of the trial, it cannot be ignored that no specific allegation is made against the applicant in the FIR in respect to the incident



that took place on 17.02.2025. It is merely stated that the applicant had come out of the house and was present at the spot. Moreover, the injuries suffered by the victims are opined to be simple in nature.

16. It is pertinent to note that the applicant's mother and sister, who are alleged to have dealt the blows which caused the injuries to the victims, have already been granted pre-arrest bail by the learned Trial Court by separate orders dated 17.04.2025. The orders dated 17.04.2025 have been handed over and the same show that the learned APP had submitted that the custodial interrogation of the said accused persons was not required.

17. It is pointed out that the investigation is complete and the chargesheet has already been filed. The DVR of the footage of the incident have already been recovered. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. No purpose would be served by subjecting the applicant to undergo further incarceration.

18. Insofar as the apprehension of threat is concerned, while rejecting the bail application of the applicant on 25.02.2025, the learned Trial Court noted the submission of the Investigating Officer that his arrest had not deterred the two sides from indulging in violent quarrels and on 20.02.2025, a PCR call was again received in this regard.

19. Clearly, the other criminal involvements of the applicant also arise out of the festering dispute between the families.

20. In the opinion of this Court, any apprehensions of the complainant can be allayed by imposing appropriate conditions on the applicant.



21. On being asked, the learned counsel for the applicant submits that the applicant is willing to not reside in the same building as the complainant after his release to curb any future confrontations.

22. In view of the above, the applicant has made out a case for grant of bail and is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall not reside in the same building as the complainant. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phones switched on at all times.

23. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek



redressal by filing an application seeking cancellation of bail.

24. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

25. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

MAY 2, 2025