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

+ BAIL APPLN. 1557/2025
AJAY YADAV

.....Petitioner

Through: Mr. Bishwabandhu, Mr. Bipal Kumar,
Ms. Nisha, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
with SI Manoj Tomar, SI Ramakant,
PS Sadar Bazar.
Mr. Praney Jain, Advocates.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER
25.08.2025

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1. The applicant is before this Court having remained under incarceration since 25.08.2024, seeking indulgence of this Court for grant of bail during pendency of the trial in the criminal proceedings arising out of FIR No. 0782/2024 dated 21.08.2024 for alleged offences under Sections 316(4)/318(4)/ 336(3)/340(2)/61(2) & 3(5) of the Bharatiya Nyaya Sanhita 2023, registered at P.S. Sadar Bazar.

2. Succinctly speaking, per FIR, it is alleged by the complainant, Proprietor of the firm, that during reconciliation of books of account of the Firm by the Senior Accountant, suspicious entries were found.

2.1 It is further claimed that approximately ₹1.5 crores had been fraudulently transferred from the firm's Federal Bank account into bank accounts in the name of Ajay Yadav. It is claimed that to conceal these



transfers, forged entries were made in the books of account as suspense entries or in the names of regular suppliers/service providers.

2.2 It is claimed by the complainant that on being confronted, Ajay Yadav admitted to the embezzlement and disclosed involvement of other persons but refused to reveal details of beneficiaries, stating that the funds had been transferred to accomplices.

2.3 It is suspected by the complainant that the applicant's father Raj Kishore, wife Sunita Yadav, brother Sanjay Yadav, and Vidya Yadav, along with some unknown persons, are also part of the conspiracy.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the applicant submits that the applicant was arrested on 25.08.2024 and is under incarceration ever since. He further submits that the investigation in the present case is complete and the chargesheet was filed on 25.10.2024, with all relevant documents placed on record. Learned counsel further contends that since the investigation concluded six months ago, the petitioner is no longer required for custodial interrogation.

4.1 Learned counsel for the applicant would further contend that the petitioner is the sole breadwinner of his family, including a minor child, with no one else to care for them in his absence. He would further submit that there exists no apprehension of absconding or tampering with evidence, and the petitioner undertakes not to influence any witness.

4.2 He would also submit that the petitioner and his family have been residents of Delhi for the past 20 years, therefore, there exists no flight risk.



Reliance had been placed on *Sanjay Chandra v. CBI*¹, wherein the Supreme Court held that prolonged pre-trial incarceration offends Article 21, and on *State of Rajasthan v. Balchand*,² laying down that bail is the rule and jail the exception.

5. The learned APP for the State submits that the applicant is not entitled to bail, at this stage. The applicant's first regular bail application was dismissed by the learned JMFC, Tis Hazari Court vide order dated 19.10.2024. Subsequently, the second bail application was also dismissed by the learned JMFC, Tis Hazari Court vide on 25.11.2024. Third bail application before the Ld. ASJ, Shilpi Jain, Tis Hazari Court, Delhi, was also dismissed on 10.12.2024.

5.1 The learned APP further submits that the applicant is not entitled to any relief at this stage, as there remains a genuine risk of him jumping the bail and tampering the remaining investigation.

6. Having heard, I am of the view that it is a fit case for bail. Let us see how.

7. The prosecution has already seized all relevant documentary and electronic evidence qua applicant herein, making the possibility of evidence tampering highly remote.

8. Moreover, the applicant has undergone approximately 12 months in custody. Investigation is over qua him as the charge sheet has been filed on 25.10.2024. He is thus not required for any custodial investigation.

9. Further continued incarceration would serve no useful purpose, especially when the trial is not likely to conclude in the near future as the

¹ AIR 2012 SC 830

² (1977) 4 SCC 308



same is moving at snail's pace. A prolonged pre-trial detention becomes punitive even before conviction, and violates the fundamental rule i.e. bail is the rule and jail the exception, particularly when the accused does not pose a flight risk or a threat to the integrity of the trial.

10. Applicant is a family man having no criminal antecedents. There is no likelihood of the applicant absconding, given that he is the sole bread winner of the family and primary caregiver to his wife, minor son and ailing parents.

11. Taking a comprehensive view of the matter, this Court finds no further purpose in keeping the applicant in prolonged pre-trial custody. Accordingly, in respect of FIR No. 782/2024 dated 21.08.2024 for alleged offences under Sections 316(4), 318(4), 336(3), 340(2), 61(2) & 3(5) of the BNS, registered at P.S. Sadar Bazar, the applicant is directed to be released on bail upon furnishing a bail bond and surety of equivalent amount, to the satisfaction of the learned Trial Court, and subject to usual conditions.

12. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case and the trial shall proceed without being influenced either way by the same.

13. Accordingly, the bail application stands disposed of in the above terms.

ARUN MONGA, J

AUGUST 25, 2025/nk/rs