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

+ **BAIL APPLN. 1955/2025, CRL.M.A. 15795/2025**

DAYA KISHAN CHAUHAN

.....Petitioner

Through: Mr. Vaishak Omanakuttan, Mr.
Dewang Bodwal, Mr. Inder Singh
Adhikari, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Yashpal Singh, PS Farsh
Bazar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.05.2025**

1. Issue notice. Mr. Amit Ahlawat, APP for the State accepts notice.
2. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 439 of the Code of Criminal Procedure, 1973) seeks regular bail in proceedings arising from FIR No. 242/2024 dated 27th April, 2024 registered under Sections 419/420/506 of the Indian Penal Code, 1860 at P.S. Farsh Bazar.
3. The Applicant was arrested on 8th June, 2024 and has been in custody since then, excluding three weeks of interim bail granted by this Court by order dated 7th January, 2025 in BAIL APPLN. 4799/2024.
4. The Applicant's first regular bail was dismissed by the Judicial Magistrate First Class-02, Shahdara, Karkardooma Courts by order dated 6th



July, 2024, when chargesheet had not been filed. After the filing of the chargesheet, the Applicant again applied for bail which was dismissed on merits by Judicial Magistrate First Class-02, Shahdara, Karkardooma Courts on 14th August, 2024. Subsequently, the Applicant's third bail application [BAIL APPLN. 15365/2024] before the Sessions Court was allowed on 29th August, 2024, on the following terms:

"1. This is an application u/s 483 BNSS for grant of bail moved on behalf of applicant/accused Daya Kishan Chauhan. Reply to the bail application has already been filed. Arguments on this application had been addressed as on 27.08.2024.

2. During the course of arguments, it was apprised that the accused was ready and willing to settle the present matter and to pay back the amount as reflected in the FIR. Without going into the merits of the case and subject to depositing Rs.5 lakhs in the form of FDR in the name of the Ld. Trial Court. applicant/accused be admitted on bail on furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of Ld. Trial Court. Bail application stands disposed of accordingly. Copy of the order be given dasti, if required."

5. However, since the condition of deposit in the aforesaid order was not fulfilled, the Applicant was not released. Thereafter, the Applicant applied for modification of the said condition on two occasions. The first modification application was rejected on 7th September, 2024. On the second application, his bail conditions were partly modified by order dated 1st May, 2025 and the bail bond amount from INR 50,000/- reduced to INR 25,000/-. However, the condition of deposit of INR 5,00,000/- was not modified.

6. Counsel for the Applicant, on instructions, states that the condition of deposit cannot be fulfilled.

7. It thus appears that the Applicant's application on merits has not been decided by the Sessions Court. In the opinion of the Court, even though the Applicant is not in a position to fulfil the condition of deposit, he is entitled



to have his case considered on merits. Since, there is no such decision by the Sessions Court, the present application is disposed of with a liberty to the Applicant to apply for bail before the Sessions Court.

8. It is clarified that if and when such an application is filed, the same shall be considered on its own merits in accordance with law.

9. The Court has not examined the merits of the case and all rights and contentions of the parties are left open.

SANJEEV NARULA, J

MAY 21, 2025/ab