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

+ **BAIL APPLN. 2111/2025**

ALAM

.....Petitioner

Through: Mr. Pramod Kumar and Mr. Avdhesh
Kumar, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State along with SI Kevendra Singh,
PS Mandir Marg.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.09.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 121/2012 registered under Section 328/379/34 of the Indian Penal Code, 1860³ at P.S. Mandir Marg. A chargesheet has been filed against the Applicant under Sections 328/379/174A/34 of IPC.
2. The case of the prosecution is as follows: -
 - 2.1 The FIR was registered at P.S. Mandir Marg on the complaint of one

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



Inder Nath Tiwari, who alleged that on the evening of 15th September, 2012, while waiting for a bus at Dhaula Kuan, New Delhi, to Anand Vihar Bus Stand, an unknown person approached him proposing to share an auto-rickshaw fare. The Complainant agreed, and they boarded an auto-rickshaw together. Subsequently, another person also joined them in the auto-rickshaw. During the journey, the first person offered the Complainant a soft drink, which he consumed. Near Gole Market, the Complainant lost consciousness and later found himself admitted at RML Hospital. His bag containing Rs. 1800, a Tata mobile phone and his ID card had been stolen.

2.2 During investigation, the auto-rickshaw involved in the crime was seized. Medical treatment slips in the name of patient Alam, a bottle of soft drink, and 10 medicines/tablets were recovered from the vehicle. It was revealed that the Applicant, Alam s/o Akkan Ali was in possession of the auto-rickshaw at the time of the incident and fled after the crime along with co-accused. Despite raids, the accused evaded arrest, leading to issuance of NBWs and his declaration as a proclaimed offender by the Court in 2020. A PO charge-sheet was filed on 16th October, 2022.

2.3 The Applicant was arrested on 06th October, 2023, and PC remand was obtained for recovery of case property and arrest of the co-accused. However, case property was not recovered and the co-accused remain at large. The Applicant refused to participate in TIP and was sent to judicial custody.

2.4 A supplementary charge-sheet was submitted on 04th December, 2023. The trial is ongoing with the next date fixed for 08th October, 2025.

3. Counsel for the Applicant submits that since the investigation against the applicant has been completed and the chargesheet has already been filed,



his custody is no longer necessary. It is further submitted that no recovery has been made from the applicant. The prosecution has cited 18 witnesses, which indicates that the trial is likely to take a long time. The applicant undertakes to attend all proceedings before the concerned court regularly and to cooperate in any further investigation, if required.

4. Mr. Mukesh Kumar, APP for the State, opposes the bail application on the ground that the Applicant is likely to abscond if released, especially since he was previously declared a proclaimed offender. There is also a concern that the Applicant may threaten or influence the victim or witnesses. Furthermore, the Applicant has a prior involvement in offences with a similar *modus operandi*, as recorded in FIR No. 117/2010 under Sections 328, 379, 411, and 34 IPC at P.S. Mandir Marg, New Delhi. It is further submitted that four bail applications filed by the Applicant have already been dismissed by the Sessions Court, Patiala House Courts.

5. The Court has considered the facts and the submissions advanced. It is well established through a catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.⁴

6. As regards the issue of criminal antecedents, it is relevant to note that, the only antecedent shown on record pertains to an FIR No. 117/2010 in which the Applicant has been discharged by order dated 30th November, 2019.

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



7. The State's apprehension that the Applicant may abscond or tamper with witnesses or evidence can be effectively addressed by imposing appropriate and stringent conditions on bail. Significantly, the Applicant has already undergone incarceration for a period of almost two years. Moreover, the investigation stands concluded, the chargesheet has been duly filed and no recovery has been effected from the Applicant. In such circumstances, the continued detention of the Applicant serves no meaningful purpose at this stage.

8. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty Magistrate, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. 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;
- f. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.



- g. The Applicant shall report to the concerned PS on first Friday of every month;
9. 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.
10. 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.
11. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

SEPTEMBER 9, 2025/MK