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

+ **BAIL APPLN. 2339/2025 & CRL.M.A. 18621/2025**

MANTHAN

.....Applicant

Through: Mr. Mrityunjay Singh, Ms.
Dipti Kumari, Mr.
Martand Narayan Shukla
and Mr. Akshay,
Advocates.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Richa Dhawan, APP
for the State with SI
Jitender Yadav and SI
Bharat Lal, PS Mohan
Gargen.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

14.08.2025

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1. The present bail application is filed seeking regular bail in FIR No. 10/2025, dated 08.01.2025, registered at police station Mohan Garden for the offences under Sections 118(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. Briefly stated, the facts of the case are that on 07.01.2025 at around 11 pm when the complainant/ victim was standing on the street with his friend, the applicant along with co-accused namely- Mohan came there and started having a quarrel with them over purchase of a phone. It is alleged that when the victim and his friend tried to get away from there, the accused persons chased them and caught hold of the victim. It is alleged that the co-accused Mohan stabbed the victim with a knife in the chest and his left hand. It is alleged that when the victim tried to save himself, the co-accused Mohan stabbed him on his hips and his back, with an intention to kill him. Applicant was arrested on

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08.01.2025 and is in custody since then.

3. The learned counsel for the applicant submits that the CCTV footage clearly establishes that the applicant was not present at the time of the alleged incident. He submits that the applicant arrives at the spot after the altercation and did not participate in the violent act.

4. He submits that there are several inconsistencies in the statement of the complainant, which is evident from the perusal of the CCTV footage.

5. *Per contra*, the Additional Public Prosecutor for the State opposed the bail application. She submits that the applicant actively participated in the alleged incident.

6. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

7. In the present matter, the prosecution has not alleged that the applicant inflicted the fatal injuries upon the victim or that he possessed any dangerous weapon for this purpose.

8. I have perused the CCTV footage of the incident. From the footage, at this stage, it appears that the victim is talking to the co-accused Mohan Singh while walking on the street and suddenly Mohan Singh started inflicting the stab injuries on the victim and then runs away. After a few seconds, the applicant has come towards the victim and says something to him where after



the victim leaves from the place of the alleged incident.

9. It is clear that the applicant was not the one who has inflicted the injuries upon the victim. Whether the applicant also had a common intention to inflict the injuries can only be ascertain after the evidence is led.

10. In the present case, the applicant was arrested on 08.01.2025 and has spent more than 7 months in custody. Since the chargesheet has already been filed in the present case and the investigation is complete, the custody may itself result in the denial of his fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India, when the trial is not likely to conclude in near future.

11. It is pointed out that no witnesses have been examined yet. In such circumstances, it is not possible for the trial to conclude in a timely manner.

12. 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. However, appropriate conditions ought to be put to allay the apprehension of the applicant threatening the witnesses or evading the trial.

13. The applicant is stated to be young boy of 18 years of age. It is stated that he has clean antecedents and has already spent more than substantial period in custody.

14. In view of the above, the applicant 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 the permission of the learned Trial Court;
 - c. The applicant shall appear before the learned Trial Court as and when directed;
 - d. 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 phone switched on at all times.
15. 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.
16. It is clarified that the observations made in the present order are only for the purpose of deciding the present bail application and shall not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.
17. The present bail application is allowed in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

AUGUST 14, 2025

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