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

+ **BAIL APPLN. 2509/2025**

HARISH BIDHURI

.....Petitioner

Through: Mr. Dushyant Yadav and. Mr. Pankaj
Kumar Yadav, Advocates.

versus

STATE NCT OF DELHI THROUGH SHO PS AMAR COLONY

.....Respondent

Through: Mr. Rajkumar, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **25.07.2025**

CRL.M.A. 19658/2025 & CRL.M.A. 19659/2025 (exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. By way of the present application, the applicant is seeking grant of anticipatory bail in case out of FIR bearing no. 252/2025, registered at Police Station Amar Colony, for the commission of offences punishable under Section 115(2)/126(2)/110/3(5) of Bhartiya Nyaya Sanhita, 2023 (hereafter 'BNS')
4. Brief facts of the present case are that the present FIR was registered on 04.05.2025, on the complaint dated 03.05.2025 lodged by the complainant Kuldeep. As per the complainant, on 02.05.2025 at around 2:45 PM, while he was present near Sapna Cinema, East of Kailash, New Delhi,



he had been assaulted by three persons, namely Ajit Bidhuri, Harish Bidhuri (the present applicant), and one unknown associate. The complainant stated that he was a carpenter by profession and had been contacted by co-accused Ajit Bidhuri for some carpentry work. Pursuant to the said communication, he had been called to the above-mentioned location, where the applicant and his associates had allegedly assaulted him with rods, stones, and other hard objects. He further stated that they had forcibly taken away his day's earnings, amounting to about ₹750/-, as well as a mobile phone belonging to his daughter, which he was carrying to get repaired. Upon raising an alarm, a passerby had come to his aid and had taken him to the Trauma Centre at AIIMS, where he had received medical treatment. The MLC was prepared accordingly. Thereafter, on 03.05.2025, he had lodged a complaint with the police, and the FIR came to be registered on 04.05.2025.

5. The learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case, and the allegations against him are motivated and concocted. It is argued that there has been an unexplained delay in registration of the FIR, as the alleged incident took place on 02.05.2025 but the FIR was registered only on 04.05.2025. It is further contended that the present applicant had no role in contacting the complainant and that it was in fact his brother who had called the complainant for the said meeting. The applicant asserts that he was not even present at the spot on the date and time of the alleged incident. It is also submitted that the applicant has clean antecedents and no previous involvement in any criminal case. It is urged that his custodial interrogation is not warranted, and therefore, he be granted the benefit of anticipatory bail.

6. *Per contra*, the learned APP for the State has opposed the application.



It is submitted that the allegations in the FIR are serious in nature. It is further argued that recovery of the stolen cash and mobile phone is yet to be effected from the applicant, and the identity and arrest of the third accomplice is also to be established, for which custodial interrogation of the applicant is essential. Thus, it is prayed that the present application be dismissed.

7. This Court has considered the rival submissions and has perused the record.

8. As per the material on record, the name of the applicant finds specific mention in the FIR. The complainant has clearly alleged that he was physically assaulted by the applicant and his co-accused with dangerous weapons and was also robbed of his cash and mobile phone. The medical record corroborates the version of the complainant. The MLC reveals that he had suffered five injuries, and he had given a history of assault at the time of medical examination. The nature and number of injuries *prima facie* support the allegations of assault made by the complainant. These injuries are as under:

- i) laceration on occipital region 3x.5x.5cms
- ii) laceration multiple on right occipito-parital region 4x1x1 cms.
- iii) bruise on the left elbow and multiple abrasions and left forearm.
- iv) abrasions on chest 4x5 cms.
- v) bruise on left forearm.

9. Further, this Court notes that the learned Sessions Court, while rejecting the anticipatory bail *vide* order dated 14.05.2025, had taken into account one defence raised by the applicant – that he had himself been beaten by the complainant in an intoxicated state and that the complainant had later fallen from a two-wheeler. However, no MLC of the applicant in



support of this version had been shown. Though an MLC dated 03.05.2025 had been filed with that bail application, the same pertained to a road traffic accident involving a non-helmeted rider skidding around 12:30 PM, which appeared unrelated to the incident in question. Thus, this contention was rightly rejected by the learned Sessions Court.

10. It is also borne out from the record that the applicant has not yet joined the investigation and Non-Bailable Warrants (NBWs) have already been issued against him. Recovery of the mobile phone and cash is yet to be made. The custodial interrogation of the applicant appears necessary not only for recovery but also for tracing the third unknown accused.

11. In view of the totality of circumstances, including the nature of allegations, the injuries sustained by the complainant, and the fact that investigation is at a nascent stage and custodial interrogation of applicant is necessary, this Court is of the opinion that no ground is made out for grant of anticipatory bail.

12. Accordingly, the present application stands dismissed.

13. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 25, 2025/vc