



\$~3

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

+ **BAIL APPLN. 3027/2025**

NITIN

.....Petitioner

Through: Ms. Vishi Dabas and Mr. Viresh
Sharma, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State with
Mr. Chandrakant, Advocate with ASI
Sanjeev
Mr. Krishan Kumar, Advocate with
Mr. Durgesh kumar, Advocates for
Victim and Victim's sister in person.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

19.08.2025

CRL.M.A. 23425/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 3027/2025

3. By way of the present application, the applicant is seeking grant of regular bail in case arising out of FIR bearing no. 520/2024, registered at Police Station Keshav Puram, for the commission of offences punishable under Sections 115(2)/126(2) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Brief facts of the case are that on 03.09.2024, at about 05:00 p.m.,



complainant Dilip Kumar had gone to Azadpur Mandi to purchase vegetables. When he had reached near Prembari Flyover, a gray-coloured car had come and halted near him. The occupants of the said car had asked him for directions. The complainant had, in turn, questioned them as to why they had been driving negligently and at high speed. This had led to an altercation, during which the assailants had assaulted the complainant and had pushed him into the shrubs near Prembari Pul. Subsequently, a supplementary statement of the complainant had been recorded, wherein he had further alleged that an amount of Rs. 1200/- had also been robbed from him. Accordingly, the present FIR under Sections 309(4), 309(6), 311, and 3(5) of the BNS had been registered.

5. The learned counsel appearing on behalf of the applicant contends that he has been falsely implicated in the present case, at the instance of the complainant. It is contended that the only allegation attributed to the applicant is that he was merely seated inside the vehicle at the time of the alleged incident, and there is no material on record to suggest that he had any knowledge of or active participation in the events that transpired outside the vehicle involving the complainant and other co-accused(s). It is argued that the applicant's presence inside the car, without any overt act or criminal intent, cannot *ipso facto* implicate him in the commission of the alleged offence. The applicant has been in judicial custody since November 2024 and therefore, he be granted regular bail.

6. The learned APP appearing for the State, on the other hand, opposes the present bail application, and contends that the allegations against the applicant are grave and serious in nature. It is submitted that the applicant is the prime accused involved in the case supported by various evidences and



the Test Identification Parade. He argues that given the serious nature of the offence, permanent disabilities suffered by the victim, and the strong evidence available against the applicant, the present bail application be dismissed.

7. This Court has **heard** arguments addressed by both learned counsel for the applicant and learned APP for the State, and has perused the material placed on record.

8. This Court finds that the State has relied upon CCTV footage to establish the presence of both the victim and the applicant at the place of occurrence at the relevant time. The record further reveals that the vehicle allegedly used to flee from the spot belonged to the present accused. In addition, the identification of the applicant during the Test Identification Parade prima facie links him with the offence in question. As per the medical report, the injuries sustained by the victim were grievous in nature.

9. It has been contended by learned counsel for the accused that he has been in judicial custody since November, 2024. However, this Court is of the view that, given the gravity of the allegations and keeping in mind the fact that the victim, who is about 45 years of age, has suffered permanent disabilities in this case, the applicant cannot be extended the benefit of bail at this stage on this ground.

10. The Hon'ble Supreme Court in *State of Gujarat v. Sandip Omprakash Gupta*: 2022 SCC OnLine SC 1727 observed as under:

“26. The considerations which normally weigh with the Court in granting bail in non-bailable offences are: (1) the nature and seriousness of the offences; (2) the character of the evidence; (3) circumstances which are peculiar to the accused; (4) a reasonable possibility of the presence of the accused not being secured at the trial; (5) reasonable apprehension of witnesses being tampered with; (6) the larger interest of the public or the



State and other similar factors which may be relevant in the facts and circumstances of the case.”

11. The seriousness of an offence is determined by the specific facts and circumstances of each case, including the manner in which it is committed, the degree of harm caused, and its impact on the victim as well as on society at large. The Courts cannot remain immune to the societal consequences of such offences, particularly when the lifelong effect of the act has been to cripple and permanently disable a young man at the prime of his life. The act of throwing the victim from a flyover merely because he objected to the accused driving negligently and rashly, thereby permanently destabilizing his life, is not only grave but also raises serious concerns about the safety of ordinary citizens on the roads of Delhi.

12. The learned Trial Court has also taken note of the submission of the State that the complainant’s sister is a cancer patient and that the victim, Dilip, was the sole breadwinner of the family, earning his livelihood by selling vegetables. The mother of the victim was also present at the hearing of the case before this Court and stated that due to his permanent disability, the victim has lost the will to live. This highlights the true magnitude of the offence and its impact on the victim’s family.

13. Having carefully examined the material on record, this Court is of the opinion that the allegations against the applicant are serious and grave in nature. The complainant is yet to be examined before the learned Trial Court. Considering the overall facts and circumstances of the case and the gravity of the offence, this Court is not inclined to grant regular bail to the applicant at this stage.

14. In view of the above, the present application for grant of bail is



dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 19, 2025/vc