



\$~2

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

BAIL APPLN. 3258/2025 & CRL.M.A. 25358/2025

YATIN BABBAR

.....Applicant

Through: Mr. G.S. Haus and Mr.
Vishal Soni, Advs.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Ratti Ram, PS Moti Nagar.
Mr. Kunal Yadav, Adv.
for the complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

24.11.2025

%

1. By the present bail application, the applicant seeks pre-arrest bail in FIR No. 371/2025 dated 29.07.2025, registered at Police Station Moti Nagar, for offence under Sections 110/3(5) of the Bharatiya Nyaya Sanhita, 2023 (**BNS**).
2. Briefly stated, it is alleged that the applicant and complainant had certain civil disputes relating to construction of a property due to which there was prior animosity between them. It is alleged that when the complainant had left his house to buy milk, the applicant came there and abused the complainant and thereafter started beating him. When the complainant's wife came to rescue him, the applicant started beating her as well. Thereafter, the father of the applicant arrived and beat the complainant and his wife with the wooden stick. The applicant and his father had mercilessly beaten the complainant and his



wife who are senior citizens.

3. This Court by order dated 26.08.2025 granted interim protection to the applicant and directed the applicant to not reside within 5 km radius of the locality where the victims reside.

4. Thereafter, it was alleged by the complainant before this Court that the applicant had violated his undertaking and had been still residing in the same vicinity as the victim. This Court by order dated 10.10.2025 directed the State to verify the said aspect and file a status report.

5. The Status Report filed by the State clearly indicates that the applicant, despite being directed by this Court not to reside within 5 kms radius of the locality where the victims reside, has violated the said condition.

6. It is mentioned in the status report that the details of the CDR of the applicant were obtained and it was found that prior to 10.10.2025, he was residing in the same vicinity as the complainant.

7. It was only when by order dated 10.10.2025, this Court directed the Police to file a report, that the applicant apparently stopped residing in the locality where the victims reside.

8. The only explanation forthcoming is that the applicant could not understand the order passed by this Court.

9. The applicant has clearly violated the condition imposed by this Court while granting interim protection to the applicant. The power to grant a pre-arrest bail under Section 438 of the CrPC is extraordinary in nature and is to be exercised sparingly. The conduct of the applicant is violating the directions of this Court does not entitle the applicant to any discretionary relief.

10. The present petition is, therefore, dismissed. Pending



application also stands disposed of.

11. 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.

AMIT MAHAJAN, J

NOVEMBER 24, 2025

'KDK'