



\$~51

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

+ **BAIL APPLN. 3288/2025**

ARIF @ KAMRU @ KAMRUDDIN

.....Petitioner

Through: Mr. Kartickay Mathur and
Mr. Shanker Adv.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Raghuinder Verma, APP for State
with Mr. Aditya Vikram Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER (ORAL)

%

10.11.2025

1. The present anticipatory bail petition has been filed on behalf of the petitioner under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023¹, read with Section 528 of the BNSS, in FIR no. 198/2025 dated 16.04.2025 registered as Police Station Patel Nagar, under Sections 103(1) of the Bharatiya Nyaya Sanhita, 2023².
2. As per the allegations contained within the subject FIR, DD no. 129A was received at 9.44 pm on 15.04.2025 that a person was admitted to Sardar Patel Hospital, Patel Nagar, with a stab wound to the right side of his chest. It is also stated to have been reported that the victim was attacked near Baljeet Nagar.
3. Thereafter, the victim was referred to RML hospital for higher treatment. The victim was found to be unfit for the recording of his police

¹ BNSS hereinafter



statement, and no eyewitness to the offence was found at the hospital, nor the place of the incident.

4. The subject FIR was initially registered under Section 109(1)/3(5) of the BNS. However, upon the victim's death, Section 103(1) of the BNS was added.

5. The postmortem of the deceased, conducted at RML Hospital, revealed multiple stab injuries, with the deceased's cause of death being attributed to *"haemorrhagic shock and its complications resulting from a stab injury to the chest, an injury deemed sufficient to cause death in the ordinary course of nature"*.

6. The Status Report on record indicates that, during the course of the investigation, the deceased's brother had his statement recorded as an eyewitness. He stated that he saw two CCLs restraining his brother from the left while one Rohit and one Dev restrained him from the right and another CCL stabbed the deceased.

7. On 17.04.2025, the investigation led to the arrest of a co-accused named Rohit Kumar, who disclosed his ties with an organised crime syndicate known as the MJ Group. He revealed that the deceased was a member of a group called the '78 Group and had previously assaulted Rohit on 15.04.2025.

8. Seeking vengeance, Rohit disclosed that he approached the head of the MJ Group, stated to be the present petitioner, who provided a knife to one of the CCLs involved in the crime and conspired the murder of the deceased.

9. While the 5 co-accused alleged to have been directly involved in the

² BNS hereinafter



murder of the deceased have been apprehended, the police have been unable to apprehend the petitioner. Non Bailable Warrants³ were issued against the petitioner on 11.07.2025 and process under Section 84 of the BNSS was initiated against the accused. The petitioner is reported to have two previous involvements in heinous cases.

10. The petitioner approached the learned ASJ, Tis Hazari Courts, praying to be granted anticipatory bail. This application for anticipatory bail application came to be dismissed by the learned ASJ, with observations that the murder weapon was yet to be recovered, that the petitioner has a criminal record, and that the investigation is still ongoing for which custodial interrogation of the petitioner may be required.

11. Mr. Kartickay Mathur, learned counsel appearing on behalf of the petitioner, submits that the petitioner is currently in his hometown and that as per reports of the eyewitness, the brother of the deceased, there were 5 persons who killed the deceased, all of whom have been apprehended, and that the petitioner was evidently not identified as being present at the scene of the crime.

12. With regard to the previous involvements of the petitioner, Mr. Mathur submits that the petitioner has been acquitted in these two cases. He also contended that a chargesheet has already been filed against the other accused persons and that there is nothing to link the petitioner with the crime except the disclosure of one of the co-accused.

13. Mr. Raghuinder Verma, learned APP for the State, vehemently opposes the grant of anticipatory bail to the petitioner. He highlights that the

³ NBWs hereinafter



petitioner is affiliated to a violent criminal syndicate and has a criminal record, and that NBWs have already been issued against the petitioner after which proceedings under Section 84 of the BNSS have also been initiated.

14. Mr. Verma submits that the previous head of the MJ group is in custody, which makes the petitioner the current head of the crime syndicate.

15. Heard learned Counsel and perused the record.

16. The major argument for grant of anticipatory bail to the petitioner is that he was not spotted at the scene of the crime by the eyewitness, nor was he chargesheeted as a co-accused, and that the only link tying him to the crime described in the subject FIR is through the disclosure statement of a co-accused, Rohit.

17. These arguments are only persuasive in the absence of allegations of the gang affiliation with said “MJ Gang”, the *modus* of committing heinous crimes through juveniles to escape apprehension by police authorities, and the continued evasive conduct of the petitioner.

18. Considering the gang affiliation of the petitioner, along with him absconding despite issuance of NBWs against him on 11.07.2025 and the subsequent initiation of proceedings under Section 84 of the BNSS, the petitioner’s conduct does not inspire the confidence of the Court. Furthermore, the offence in question is undoubtedly heinous in nature.

19. For the aforesaid reasons, this Court is not inclined to grant anticipatory bail.

20. This petition, along with pending application(s), if any, stands disposed of.

AJAY DIGPAUL, J

NOVEMBER 10, 2025/ar/av