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

+ **BAIL APPLN. 3423/2025**

TINKU KUMAR

.....Petitioner

Through: Mr. R.C. Tiwari and Mr. Subhash
Chand, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for
State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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09.09.2025

CRL.M.A. 26780/2025 (exemption)

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

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3. By way of instant application, the applicant is seeking anticipatory bail in case arising out of FIR bearing No. 437/2025, registered at Police Station Farsh Bazar, Delhi, for the commission of offences punishable under Sections 115(2)/126(2)/351(2)/324(4)/303(2)/3(5) of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. Mr. Naresh Kumar Chahar, learned APP accepts notice on behalf of the State.
5. The brief facts, as discernible from the material on record, are that the applicant and the complainant are neighbours who keep on quarrelling with



each other every day on a routine basis. It is alleged that on 14.08.2025 at about 10:30 PM, a quarrel took place between them as the electricity supply in the complainant's house was disrupted, and during the heat of argument, they allegedly started abusing each other and the applicant got further enraged and came downstairs along with the other co-accused persons, assaulted the complainant and his father, causing serious injury to him. During the quarrel, it is alleged that the petitioner had stolen Rs.2500/- from the pocket of the father of the complainant and the co-accused namely Om Prakash had stolen 1½ *tola* gold chain. The complainant and his father Naresh Chaudhary had received injuries in the incident and the petitioner and other co-accused persons had extended threat to kill them, as alleged by the complainant.

6. The learned counsel appearing on behalf of the applicant states that the applicant has falsely been implicated in this case and further states that the FIR in this case was registered at the behest of the complainant who is an advocate by profession, on 15.08.2025. He also states that the applicant had also lodged a complaint with the police on 15.08.2025, however, till date, no FIR has been registered against the complainant. The learned counsel for the applicant also relies on a video made by the neighbours and argues that the mother of the applicant was trying to save him from the beatings of the complainant, his brother and his father, who were assaulting him with *Lathis* and *Dandas*.

7. The learned APP for the State, on the other hand, argues that the allegations against the applicant are serious in nature and thus, bail application be dismissed.

8. This Court has heard arguments addressed on behalf of the applicant



as well as State.

9. In the present case, this Court's attention has been drawn to the fact that despite the applicant having lodged a complaint against the complainant herein and others — which was duly received by the concerned police authorities — no FIR has been registered till date, nor has any action been initiated on the basis of said complainant.

10. This Court further notes that the I.O. had submitted in the reply before the learned Sessions Court that applicant had already joined investigation, and even the learned Sessions Court had granted interim protection from arrest to the applicant. Thus, it is not disputed that the applicant has already joined investigation in the present case.

11. This Court has also seen some videos of the incident, recorded by some neighbours as claimed by the applicant, which in fact show the applicant being beaten up during the said scuffle.

12. In view of the above and considering the overall facts and circumstances of the case, the applicant's cooperation with the investigation thus far, and there being no necessity of custodial interrogation, this Court finds it a fit case to grant the relief of anticipatory bail to the applicant. In the event of arrest, he shall be released on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the SHO/I.O concerned on the following terms and conditions:

- i) The applicant shall remain available on mobile numbers; shared by him with the Police.
- ii) The applicant shall not leave the country without prior permission of the concerned Court.
- iii) The applicant shall not directly or indirectly make an attempt to



influence the witnesses or tamper with the evidence in any manner.

iv) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned I.O/SHO.

13. The present bail application stands disposed of.

14. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 09, 2025/vc