



\$~3

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

+ **BAIL APPLN. 3451/2025**

OMPRAKASH ALIAS RAJAN

.....Petitioner

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

versus

THE STATE OF NCT OF DELHI

.....Respondent

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

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

%

18.09.2025

CRL.M.A. 26972/2025 (exemption)

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

BAIL APPLN. 3451/2025

3. By way of the instant application, the applicant seeks grant of anticipatory bail in case arising out of FIR bearing No. 437/2025, registered at Police Station Farsh Bazar, Delhi, for the commission of offence punishable under Section 115(2)/126(2)/351(2)/324(4)/303(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The 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. 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 had been disrupted, and during the heat of argument, they had allegedly started abusing each other, pursuant to which, the applicant had got enraged and came downstairs along with the other co-accused persons, and had assaulted the complainant and his father, causing serious injuries 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 argues that the applicant has been falsely implicated in the present case. Specific reliance is placed on a video made by the neighbours, which records the applicant being beaten mercilessly by Lathis and Dandas by the complainant, his brother and his father, while his mother was trying to save him from the said beatings. Further, it is argued that since the offences in question are bailable in nature and he is also co-operating in the investigation, thus, the present application be allowed.

7. On the other hand, the learned APP for the State argues that the allegations *qua* the applicant are grave. Specifically, it is contended that the material on record shows the applicant mercilessly beating the complainant, rendering serious injuries to him, which remain unexplained, and thus, needs to be carefully investigated. Additionally, it is argued that the applicant has not joined the investigation yet; thus, his bail application be dismissed.

8. This Court has **heard** arguments addressed on behalf of both the sides



and has perused the material available on record.

9. After hearing arguments and going through the case file, at the outset, this Court, having seen some videos of the incident, as recorded by some neighbours, finds that the applicant had been beaten by the complainant also during the said scuffle, thereby hinting *prima-facie* involvement of the complainant also as an aggressor. In this regard, a perusal of the record reveals that the applicant had lodged a complaint against the complainant herein and others, which had been duly received by the concerned police authorities and an FIR has been registered against the complainants.

10. Thus, considering the overall facts and circumstances of the case, this Court is inclined to grant 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, subject to the joining of the investigation by the petitioner, today at 4:00 pm, on the following terms and conditions:

- i) The applicant shall remain available on the 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 approach the complainant, to influence the witnesses or tamper with the evidence in any manner.
- iv) The applicant shall report to the S.H.O. on 15th day of every month.
- v) In case of a change of residential address/contact details, the applicant shall promptly inform the same to the concerned



I.O/SHO.

11. The present bail application accordingly stands disposed of.
12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

SEPTEMBER 18, 2025/ns