



2025:DHC:10425



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 24, 2025

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BAIL APPLN. 3549/2025 & CRL.M.A. 27859/2025

VANSH MEHRA

.....Applicant

Through: Mr. Naginder Benipal, Mr.
Ankit Siwach, Mr. Udit
Vaghela, Mr. Jaskaran
Singh, Mr. Saarthak Sethi,
Mr. Arjun Baliyan and Ms.
Kritika, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Adv. with
SI Sumit Tomar, PS Aman
Vihar.
Mr. Anurag Singh, Adv.
for the complainant.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J.**

1. By the present bail application, the applicant seeks regular bail in FIR No. 646/2024 dated 15.10.2024, registered at Police Station Aman Vihar, for the offence under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The FIR was registered on a complaint alleging that in the month of August, 2024, the complainant had sold a property and

Signature Not Verified

Signed By: SANJAY

KUMAR

Signing Date: 24.11.2025

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received a sum of ₹28,00,000/- in cash which was entrusted to the father of the applicant. The father of the applicant was asked to return the money, however, the same was refused.

3. During the course of investigation, statement of the father of the applicant was recorded who admitted that a sum of ₹28,00,000/- was received by him from the complainant and stated that the said amount had been taken away by the applicant.

4. On an earlier occasion, the pre-arrest bail filed by the applicant was rejected noting that the father of the applicant had given a categorical statement to the effect that the applicant had run away with the money which was entrusted to him.

5. It was noted that the father of the applicant has not retracted from the statement given to the police and therefore, whether any amount was ever entrusted to the applicant's father or whether the applicant, at any stage, had taken the money, would be tested after further investigation and ought not to be commented upon at that stage.

6. On being pointedly asked, it is informed that chargesheet has been filed against the applicant for the offence under Section 316(2)/3(5) of the BNS.

7. The learned counsel for the applicant submits that the present bail application is filed seeking regular bail essentially because the investigation has since been completed and the applicant has spent more than 07 months in custody and, therefore, the applicant is no longer required for further investigation.



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8. It is also contended on behalf of the applicant that the applicant had been implicated solely on the basis of statement given by his father and there is no other evidence linking the applicant with the alleged offence.

9. Though it is the case of the prosecution that the applicant can be seen in the CCTV footage taking away a bag from the house, it is the case of the applicant that the same was a gym bag and did not contain any cash.

10. The learned counsel for the applicant further submits that even as per the case of the prosecution, no amount was entrusted upon the applicant at any stage and therefore, the invocation of Section 316(2) of the BNS is erroneous.

11. It is further the case of the applicant that even if the case of the prosecution is taken at the highest, the applicant could at best be alleged to have committed an offence of theft, that too on a complaint given by his father. However, in the absence of any such complaint, FIR could not have been registered.

12. The learned Trial Court is yet to hear arguments on charge and therefore, at this stage, this Court does not consider it apposite to comment on the arguments raised by the applicant.

13. As noted above, the evidence against the applicant at this stage seems to be the statement given by his father and the CCTV footage according to which it is alleged that the applicant was seen carrying a bag. Whether the said bag carried the cash entrusted to applicant's father or not cannot be ascertained at this stage and would be tested during the course of trial.



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14. The applicant has already spent more than 07 months in custody and the investigation seems to be complete, which has also led to filing of the chargesheet. It is pertinent to note that the maximum punishment for the offence alleged against the applicant is 05 years of rigorous imprisonment.

15. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment.

16. Therefore, in the opinion of this Court, the applicant has made out of case for being released on bail.

17. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court/Duty MM / Link MM, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the country without the permission of the learned Trial Court;
- c. The applicant shall appear before the learned Trial Court on every date of hearing, unless his appearance is exempted;



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- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

18. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

19. 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.

20. The present bail application is allowed in the aforementioned terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

NOVEMBER 24, 2025

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