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

+ BAIL APPLN. 3565/2025, CRL.M.A. 28038/2025

MOHD KASHIF ALIAS MUNNAPetitioner

Through: Mr. Asad Iqbal, Mr. Abuzar and
Mr. Ali Mohammad, Advocates

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Shoaib Haider, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **14.11.2025**

1. First Bail Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Applicant seeking Anticipatory Bail in FIR No. 0238/2025, registered under Sections 109(1)/3(5) BNS at P.S. Mayur Vihar.

2. It is submitted that the Bail Application filed before learned ASJ has been dismissed on 16.07.2025. The Chargesheet has been filed and the investigation stands concluded. No custodial interrogation of the Applicant is required.

3. The injured Anil has not named the Applicant in his Complaint or statement under Section 161 Cr.P.C. The main injured Shiva, who suffered stab injuries categorically stated that knife blow was inflicted by Suhail and Nazakat uncle. The name of the Applicant has surfaced only in the disclosure statement of co-accused Suhail who said that he had handed over the knife to the Applicant. Such disclosure is inadmissible in law.

4. The Bail is sought on the **ground** that there is no cogent evidence against the Applicant. He is willing to join the investigation. He is a permanent resident of Delhi and is willing to furnish a Surety.



5. The Status Report has been filed on behalf of the State and the same is taken on record wherein it is stated that on 19.05.2025, statement of injured Anil was recorded who stated about the quarrel between him Complainant Anil and Nazakat @ Liyakat, a fruit vendor and his brother Salman, who both assaulted him. Shiva, the friend of the Complainant in the meanwhile, reached the spot, they all attacked Shiva as well and he was stabbed with the knife by Suhail.

6. The FIR was registered and investigations have been undertaken. As per the MLC, Shiva has suffered grievous injuries while Anil, Nanku and Ram Avatar have suffered simple injuries.

7. The evidence against the Applicant is the statement of injured Nanku that the Applicant has also assaulted him. There is also confession of the co-accused Suhail against him. The Applicant is a habitual offender and has been previously involved in FIR No. 0321/2024 under Sections 110/118(1)/126(2)/3(5) BNS. He is required to be arrested for recovery of weapon of offence.

8. The Chargesheet has been filed and total 07 adults and 02 CCLs were found involved in the case. However, Applicant alone is absconding. It is further submitted that for this reason no Chargesheet has been filed against him.

Submission heard and record perused.

9. The name of the Applicant was not mentioned in the FIR and his name featured in the statement of injured Nakul, who has stated that the Applicant has also assaulted him. His statement also emerged for the first time in the disclosure statement of the co-accused Suhail. Even otherwise, the allegations of stab injury have been made against two co-accused and



not against the Applicant. Chargesheet against all other co-accused stands filed in the Court.

10. Considering the totality of the circumstances, it is directed that in the event of his arrest, the Applicant shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:-

- (i) The Applicant shall furnish a personal bond in the sum of Rs.35,000/-with one Surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Applicant shall join the investigations, as and when called by the Investigating Officer and shall co-operate during the investigations.
- (iii) The Applicant shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.
- (iv) The Applicant shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case.
- (v) The Applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

11. The Bail Application alongwith pending Application, stands disposed of in the above terms.

12. Copy of the Order be sent to the learned Trial Court for compliance.



NOVEMBER 14, 2025/N

NEENA BANSAL KRISHNA, J.