



\$~4 & 5

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

+ **BAIL APPLN. 3568/2025, CRL.M.A. 28065-28066/2025**

ADITYA @ BABU

.....Petitioner

Through: Mr. K.C. Dubey, Mr. Atul Tripathi,
Mr. Rishan Dubey, Mr. Ramsewak
Kr. Shah and Ms. Uma Tarafdar,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with Insp. Pardeep Kumar, SI Nitin
Kumar, PS Harsh Vihar.

+ **BAIL APPLN. 3726/2025**

VIKAS

.....Petitioner

Through: Mr. Pramod Kumar, Mr. Amit Kumar
Sharma, Mr. Ajay Kumar Yadav, Ms.
Tanvi Sharma, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
with Insp. Pardeep Kumar, SI Nitin
Kumar, PS Harsh Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.11.2025

%

1. These applications under Section 483 of the Bharatiya Nagarik
Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal

¹ "BNSS"



Procedure, 1973²) seek regular bail in proceedings arising from FIR No. 114/2025 dated 22nd January, 2025 registered under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023³, at P.S. Harsh Vihar.

2. The case of the prosecution is as follows:

2.1. On 16th January, 2025, a PCR call reported an unconscious or injured male lying in an open field at Saboli Khadda, Village Saboli, Delhi. He was taken to GTB Hospital and declared brought dead. The deceased was identified as Gulshan.

2.2. The post-mortem report dated 20th January, 2025 records the cause of death as haemorrhagic shock due to multiple antemortem blunt-force injuries, stated to be sufficient in the ordinary course of nature to cause death. Dragging injuries were also noted. Investigation for an offence under Section 103(1) BNS was initiated.

2.3. CCTV footage from Gali No. 4, Prem Nagar, Loni (U.P.) allegedly shows that, on 15th January, 2025, the deceased was assaulted and then taken away on a motorcycle by two individuals, while several others followed on separate motorcycles. One assailant was identified as Vikas (Applicant in *BAIL APPLN. 3726/2025*), who was later apprehended.

2.4. On the strength of his disclosure statement, the prosecution alleges that Vikas, Aditya @ Babu (Applicant in *BAIL APPLN. 3568/2025*), and co-accused Pradeep Pandey, Bunty, Priyanshu and Karan suspected the deceased of having poisoned one Deepak and, on that account, assaulted him on 15th January, 2025, first at Prem Nagar, Loni and thereafter at a vacant plot in Saboli, using rubber pipes, causing injuries that led to his death.

² “Cr.P.C.”

³ “BNS”



2.5. On 31st January, 2025, statements of two purported eyewitnesses, Dev Gupta and Prashant Gupta @ Prem, were recorded under Section 183 BNSS. They state that on 15th January, 2025, they saw the deceased being beaten by Pradeep, Bunty, Vikas, Priyanshu, Aditya @ Babu and others.

2.6. During investigation, rubber pipes, motorcycles, and the clothes allegedly worn by Bunty during the incident were recovered at the instance of the arrested accused. A chargesheet has been filed against Vikas, Pradeep Pandey, and Bunty under Sections 103(1)/3(5) BNS. Applicant Aditya @ Babu surrendered later on 7th August, 2025, after which he was arrested on 9th August, 2025.

3. Counsel for the Applicants argue that the CCTV clip does not assign any specific role to either Applicant; identification is disputed and the case against them rests largely on disclosure statements which, save to the extent of discovery under Section 27 of the Evidence Act, carry little evidentiary value. The eyewitness statements under Section 183 BNSS surfaced on 31st January, 2025, well after the incident, with inconsistencies said to exist inter se and vis-à-vis the footage. No incriminating recovery ties either Applicant to the fatal injuries. It is urged that investigation against co-accused stands concluded, and continued detention would operate as pre-trial punishment. Applicant Aditya @ Babu surrendered on 7th August, 2025; both applicants have fixed abodes and undertake to abide with any conditions that this Court may consider appropriate. They also place strong reliance on parity: co-accused Pradeep Pandey and Bunty, alleged to have played comparable or more direct roles, have already been granted bail, and the courts below rejected parity without cogent reasons.

5. Mr. Aashneet Singh, APP for the State, opposes bail, emphasising the



gravity of the offence, which involves an alleged group assault resulting in death. He submits that both Applicants were active participants. They are visible in the CCTV footage and have been identified by public witnesses whose statements stand recorded under Section 183 BNSS. The prosecution asserts a collective assault driven by a common motive, supported by co-accused disclosure statements. If released, the Applicants will to pose a real risk of influencing or intimidating witnesses who reside in the same neighbourhood. It is further urged that the nature of the accusations, the Applicants attributed roles, and the surrounding circumstances create a reasonable apprehension of absconding or evasion of trial.

6. Court has considered the aforementioned facts and contentions. At the stage of bail, only a *prima facie* assessment is apposite. Detailed evaluation of evidence is neither warranted nor permissible.

7. The prosecution places reliance on CCTV footage and the statements of two public witnesses recorded under Section 183 BNSS. This Court while granting bail to co-accused Bunty Kumar Mathur in *BAIL APPLN. 2175/2025*, specifically observed that the statements of these witnesses do not explain the delay in reporting the matter to the police and, even otherwise, refer only broadly to the alleged involvement of the accused. Likewise, the CCTV footage, at this stage, does not appear to conclusively identify the Applicants. In any event, definitive findings on identity, movement, or participation of the Applicants is not permissible as that would amount to conducting a mini-trial at the bail stage. The probative value of such material will necessarily fall for determination during trial.

8. Pertinently, the principle of parity assumes significance. Co-accused Bunty Kumar Mathur and Pradeep Pandey have already been granted bail by



this Court and the Sessions Court respectively. The allegations against the present Applicants rest on the same evidentiary basis as in Bunty's case, namely CCTV footage and the statements under Section 183 BNSS. No recovery is attributed to either Applicant. Further, unlike Pradeep, neither Applicant is alleged to have brought the deceased back later in the night, which is a distinct act relied upon by the prosecution. On a *prima facie* assessment, therefore, the role attributed to the present Applicants is not shown to be materially different from that of the co-accused already granted bail. The State has not pointed to any circumstance warranting a different approach. On the settled approach to parity, role-based similarity and absence of aggravating particulars, the applicants are entitled to like treatment.

9. The alleged offence is undoubtedly grave. However, gravity alone cannot be determinative for denial of bail. It is well-established through a catena of judgments of the Supreme Court that the object of granting bail is neither punitive nor preventive; the purpose of bail is to secure the presence of the accused at trial, and not to impose pre-trial incarceration as a measure of punishment.⁴

10. Apprehensions of absconding or influencing witnesses can be addressed through appropriate conditions. Having regard to the overall circumstances, the period of incarceration, the stage of investigation, and the principle of parity, this Court finds it appropriate to enlarge both Applicants on bail.

11. The Applicants Aditya @ Babu (in *BAIL APPLN. 3568/2025*) and

⁴ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



Vikas (in *BAIL APPLN. 3726/2025*) are directed to be released on bail on furnishing a personal bond in the sum of INR 25,000/- each, with two sureties each of the like amount, to the satisfaction of the Trial Court/Duty MM, subject to the following conditions:

- a. The Applicants shall continue to cooperate in the investigation/trial and shall appear before the Trial Court as and when directed.
- b. The Applicants shall not directly or indirectly contact, threaten, or influence any witness or tamper with evidence.
- c. The Applicants shall not leave India without prior permission of the Trial Court.
- d. The Applicants shall provide their residential address(es) and shall not change the same without prior intimation to the IO/SHO.
- e. Upon release, the Applicants shall provide their mobile numbers to the IO/SHO and shall keep the same operational at all times.
- f. The Applicants shall report to the concerned Police Station on the first Friday every three months.

12. In the event of any FIR/DD entry/complaint being lodged alleging violation of these conditions, it shall be open to the State to seek cancellation of bail.

13. It is clarified that any observations made herein are only for the purpose of deciding the present bail applications and shall not influence the trial on merits.

SANJEEV NARULA, J

NOVEMBER 10, 2025/ab