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

+ **BAIL APPLN. 3595/2025**

TUSHAR ALIAS TUSHAR GURJARPetitioner

Through: **Mr. Rajveer Singh Advocate.**

versus

STATE OF NCT OF DELHIRespondent

Through: **Mr. Utkarsh, APP for the State with
SI Pradeep Chauhan PS Kalkaji.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

11.11.2025

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1. A Bail Application under Section 482 of the BNSS has been filed on behalf of the Petitioner/Applicant Tushar @ Tushar Gurjar for grant of Anticipatory Bail in case FIR No.447/2025 under Section 110/3(5) BNS registered at Police Station Kalkaji.
2. The *brief facts* are that on 06.08.2025 at around 09:30 P.M the Applicant along with other two co-accused came equipped with *dandas* near Green Field School, Alaknanda, where the Complainant was smoking a cigarette. The Applicant along with three co-accused gave blows causing three lacerated wounds; one on scalp, the other on forehead and the third on the leg of the injured. On his Complaint, FIR was registered.
3. The Anticipatory Bail Application was filed before the learned ASJ in which interim protection was given and he joined the investigations. The learned ASJ dismissed the Anticipatory Bail Application vide Order dated 15.09.2025.
4. The Anticipatory Bail is sought on the ground that he has already



joined the investigations and never misused the interim protection as was given by the learned ASJ vide Order dated 04.09.2025. The maximum punishment for the offence under Section 110/3(5) BNS is seven years and the Police should have complied with the guidelines laid down by the Apex Court in the case of Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273 and Satender Kumar Antil vs. CBI 2022 SCC OnLine SC 825.

5. It is submitted that the Applicant has clean antecedents and is not a previous convict or habitual offender. He undertakes to abide by any conditions that may be imposed. Hence, a prayer is made for grant of Anticipatory Bail.

6. The **Status Report** has been filed on behalf of the State, wherein it is stated that on the Complaint of Shri Raj Singh dated 06.08.2025 the present FIR under Section 110/3(5) BNS was registered as he was physically assaulted with danda by the Applicant and the other two co-accused Nikhil and Vibhav Rajput. As per the MLC, the Complainant had received three lacerated wounds.

7. The investigations were done and the wooden danda was recovered from the Park adjoining to the scene of crime. The CCTV footage installed near the scene of crime was collected, wherein the incident of physical assault was captured. The Complainant identified the Applicant and the co-accused Vaibhav Rajput as the persons who had assaulted him.

8. The co-accused Vaibhav Rajput and Nikhil were arrested on 08.08.2025. The opinion of the Doctor has been obtained, wherein the injuries have been opined to be “grievous in view of the fracture right ring finger middle Phalynx”. The Regular Bail has been granted to the other two co-accused persons on 20.08.2025.



9. The Anticipatory Bail Application filed by the Applicant on 13.08.2025, was eventually dismissed. The investigations are complete and the Chargesheet is under scrutiny in the Prosecution Branch. The Status Report filed today in the Court, be taken on record.

Submissions heard and the record perused.

10. Essentially, the allegations against the Applicant are that he along with two co-accused, inflicted grievous injuries on the person of the Complainant, in furtherance of common intention. The other two co-accused with similar role have already been granted Bail. Considering that the investigations are complete and the Applicant had already joined investigations, it is directed that that in the event of his arrest, the petitioner shall be admitted to bail by the Investigating Officer/Arresting Officer subject to the following conditions:

- (i) The petitioner 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 petitioner 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;
- (iii) If the petitioner has a passport, he shall surrender the same to the Investigating Officer and shall not travel out of the country without prior permission of the Trial Court;
- (iv) The petitioner 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 Petition stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

NOVEMBER 11, 2025/va