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

+ **BAIL APPLN. 3868/2025**

YOGESH KUMAR

.....Petitioner

Through: Mr. Ruchir Balra and Mr. Badre
Alam, Advocates.

versus

STATE (GNCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State
along with ASI Satyapal and SI
Arvind, PS Gokul Puri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 216/2025 registered under Section 305(b)/331(4)/3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Gokul Puri. A chargesheet has been filed against the Applicant under Sections 305(a)/331(4)/317(2) BNS.

2. The case of the prosecution is that the complainant, who runs a jewellery shop in DDA Market, Gokulpuri, discovered on 13th July, 2025, that the roof of his shop had been broken and gold and silver items worth

¹ "BNSS"

² "Cr.P.C."

³ "BNS"



approximately ₹6 lakhs had been stolen. Upon receiving the DD entry, the police inspected the spot and reviewed CCTV footage but initially found no clue. On 18th July, 2025, a secret informer identified the suspect seen in the CCTV footage as Yogesh Kumar and pointed out the house where he was allegedly residing. The police reached his house, where he was found inside and arrested. After being confronted with the footage, he allegedly confessed. At his instance, an orange bag containing various gold and silver articles was recovered from a cupboard in his house, and these were seized. Yogesh Kumar was arrested, subjected to TIP proceedings, and remanded to judicial custody. CCTV footage was later sent to FSL, and CDR analysis is pending.

3. Mr. Ruchir Balra, counsel for the Applicant submits that the Applicant, who has clean antecedents, has been falsely implicated and the prosecution case rests solely on weak, circumstantial material. The alleged CCTV footage relied upon does not show him entering the shop, committing theft, or possessing any stolen articles. As per the prosecution, it merely captures him on a public road, which is insufficient to infer guilt. He further submits that, since he is allegedly seen empty-handed in the footage before the alleged incident, the allegation that he broke into the shop through the roof is a stretch of the imagination. The alleged recovery from his residence is planted, conducted without independent witnesses, and unsupported by any receipts. There is a material discrepancy between the items initially reported stolen in the FIR and the items later shown as “recovered”. Considering that the Applicant has been in custody for over two months, and with the charge-sheet already filed and no further recovery pending, his continued detention serves no purpose.



4. Mr. Amit Ahlawat, APP for the State, opposes the Application and submits that the Applicant is clearly visible in the CCTV footage, first walking empty-handed towards the shop and later returning with a bag during the night of the incident. The gold and silver articles were recovered from his house soon thereafter, and the complainant, in his supplementary statement, has identified the recovered items as those stolen from his shop. The State contends that the complainant's testimony is yet to be recorded and that releasing the Applicant at this stage may enable him to influence the trial or its witnesses. It is argued that the material on record *prima facie* connects the Applicant to a serious act of house-breaking and theft, and therefore, bail ought to be declined.

5. The Court has considered the facts and the submissions advanced. As per the nominal roll dated 27th November, 2025, the Applicant has undergone custody of more than four months. He has no reported criminal antecedents, and his jail conduct is reported as satisfactory. The investigation stands completed, charge-sheet has been filed, and no further recovery remains pending.

6. The contention regarding the alleged discrepancy between the items reported stolen and those recovered, cannot be conclusively examined at the stage of bail and may be tested at trial. Similarly, the Applicant's submission that the CCTV footage shows him initially empty-handed, and therefore does not support the allegation of a roof-break entry, is also a matter that requires evidence and will fall for consideration during trial.

7. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of



the accused person at the trial.⁴

8. In view of the above, and considering that further incarceration of the Applicant is not necessary for investigation, this Court is of the opinion that the Applicant may be released on bail. The apprehensions expressed by the State can be adequately addressed by imposing appropriate conditions.

9. Accordingly, the Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall under no circumstance leave the NCT of Delhi without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. 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;
- f. 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;

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



g. The Applicant shall report to the concerned P.S. on the first Friday of every three months.

10. 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.

11. 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.

12. The bail application is allowed in the afore-mentioned terms.

SANJEEV NARULA, J

DECEMBER 5, 2025/MK