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

+ BAIL APPLN. 4080/2025 & CRL.M.A. 31739/2025,
CRL.M.A. 31740/2025

SANTOSH KUMAR

.....Applicant

Through: Mr. Rajshekhar, Mr.
Mritunjay Mishra, Ms.
Palvi Jain and Ms. Varsha
Ranjan, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Advocate.
Insp. Narender Singh, PS
Sagar Pur.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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20.11.2025

1. The present bail application is filed by the applicant seeking regular bail in FIR No. 140/2025 dated 11.03.2025 registered at Police Station Sagar Pur for the offences under Sections 103(1)/109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The brief facts are that on 11.03.2025, the police received a PCR call regarding a stab injury, whereafter, the police reached the spot of the incident. After reaching there, the police were informed that the victims had already been taken to the hospital.

3. The police thereafter reached Bhagat Hospital, Delhi. As per the MLC of the injured victim Lucky, he had received a stab wound and was referred to higher center. As per the MLC of the victim Ajay, he had received a stab wound over the chest and



was declared brought dead.

4. Thereafter, the statement of the eye-witness namely Mohd. Faiz who was a friend of the victims was recorded, wherein, he alleged that on 11.03.2025 at around 5:00 p.m., while he along with his friend Abhisheik was going to eat something, they saw that a crowd had gathered.

5. It is alleged upon reaching there, he saw that co-accused namely Shivam was standing there with the applicant and other co-accused CCL D. It is alleged that they were involved in a fight with the victims. It is alleged that in order to save the victims, Mohd. Faiz snatched the knife from the hand of the applicant due to which he received a minor scratch on his right hand. It is alleged that despite such the applicant along with the other accused persons kept on fighting with the victims.

6. It is alleged that on the instigation of the applicant, CCL D took out a meat cutting knife from his waist and thereafter attacked the deceased on the chest due to which he fell unconscious. It is alleged that thereafter on the instigation of co-accused Shivam, CCL D attacked the injured victim, whereafter, the applicant along with the other accused person ran away from the spot of the incident.

7. Pursuant to the statement of the eye-witness the police registered the present FIR.

8. It is alleged that during the course of investigation, on 16.03.2025 a secret information was received that the applicant along with the other accused persons would be coming near Pink Apartments, Naseerpur, Delhi to meet someone. Acting upon the said information a raiding team was constituted. It is alleged that



after reaching the designated spot, the raiding team apprehended the applicant along with the other accused persons.

9. It is alleged that during the course of investigation clothes that were worn by the applicant at the time of the alleged offence were recovered at the instance of the applicant.

10. It is alleged that during the course of investigation at the instance of the applicant and co-accused Shivam the meat cutting knife alleged to be used to commit the crime was recovered.

11. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

12. He submits that it was CCL D who had stabbed the victims and not the applicant.

13. He submits that the CCTV footage that is being relied by the prosecution does not show the applicant inflicting any injuries to the alleged victims, on the contrary it shows that the applicant was himself receiving beatings from the victims.

14. *Per contra*, the learned Additional Public Prosecutor for the state vehemently opposes the grant of any relief to the present applicant. He submits that the applicant can be clearly seen inflicting injuries to the victims in the CCTV footage.

15. He consequently prays that the present application be dismissed.

16. I have heard the learned counsel for the parties and perused the record.

17. The Hon'ble Apex Court in catena of judgments has consistently emphasized the factors to be taken into account when considering bail application, which include: (i) the nature or gravity of the offense; (ii) the character of the evidence and



circumstances unique to the accused; (iii) the likelihood of the accused evading justice; (iv) the potential impact of the release on prosecution witnesses and its societal repercussions; and (v) the probability of the accused engaging in tampering.

18. It is trite law that while considering an application of the accused seeking bail, the Court would not be justified in going into evidence on record at such depth so as to ascertain probability of conviction of the accused as the same is a matter of trial.

19. The grant of bail should not be arbitrary or whimsical. Being conscious of the fact that individual liberty holds immense significance, it is incumbent upon the Courts to examine and evaluate, albeit briefly, factors such as the *prima facie* case, the nature and severity of the crime and the accused's likelihood to tamper with evidence, among other considerations as noted above.

20. In the present case, the allegations against the applicant *prima facie* are serious in nature. It is the case of the prosecution that the applicant along with other co-accused persons are involved in the commission of the murder of the victim Ajay.

21. The learned counsel for the applicant argues that the CCTV footage as relied upon by the prosecution does not show the applicant inflicting any injuries to the victims, to the contrary the applicant was himself being beaten by the victims.

22. This Court has perused the CCTV footage and the victim is seen to have been brutally beaten by the applicant along with the other accused persons. Though it is not clear to the Court that who had caused the stab injury and who is beating with fists and



kicks, however, the chargesheet indicates that role of all the accused persons is similar.

23. Further, from a perusal of the material on record, it is *prima facie* apparent that the eye-witnesses to the alleged incident have identified the applicant and have fully supported the case of the prosecution.

24. It is pertinent to mention that while deciding the question of bail, the Court must carefully balance the individual's right to liberty with the interest of justice. While the presumption of innocence and the right to liberty are fundamental principles of law, they must be considered in conjunction with the gravity of the offence and its impact on the society.

25. In the present case, the applicant has been charged for the offence under Section 103 [*erstwhile* Section 302 of the Indian Penal Code, 1860] and if convicted would be sentenced to undergo imprisonment for life. Material witnesses are yet to be examined and considering the brutal manner in which the murder is committed in broad day light in front of public, the possibility of threatening the witness also cannot be ruled out.

26. Accordingly, taking into account the submissions made by the learned counsel for the parties, and the material available on record, this Court is of the considered opinion that *prima facie*, there are serious allegations against the applicant which at this stage cannot be said to be without any material.

27. In view of the aforesaid discussion, this Court is of the opinion, that no ground for the grant of regular bail has been made out by the applicant.

28. The present application is accordingly dismissed. Pending Application(s), if any, also stand disposed of.

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29. It is made clear that the observations made in the present case are only for the purpose of considering 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 present case.

AMIT MAHAJAN, J

NOVEMBER 20, 2025
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