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

+ **BAIL APPLN. 4091/2025, CRL.M.A. 31836/2025**

NARAYAN

.....Petitioner

Through: Mr. Omkar Sharma, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP with SI Harsh
Kumar, PS: Nabi Karim.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

30.10.2025

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1. First Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioner/Applicant for grant of Anticipatory Bail in FIR No.0228/2025 under Section 304(2) BNS, registered at PS: Nabi Karim, Delhi.
2. It is submitted in the Bail Application that on 06.05.2025, on Complaint of Ms. Jayanty Achuthan, FIR No.0228/2025 was registered. As per FIR, at about 08:00 PM near Bikaner Sweets, DBG Road, Paharganj, an unknown person allegedly snatched the Complainant's Gold chain weighing about 40 grams. On 14.06.2025, the co-accused Arjun @ Veeru (Applicant's Son) was picked up from his house by the Police and two days' police custody was taken, though no recovery could be effected during custodial interrogation. Co-accused was identified by the Complainant in TIP proceedings, who was thereafter, sent to judicial custody.
3. In June 2025, the co-accused moved a Regular Bail Application, during the pendency of which, Applications for preservation of CCTV footage from



the vicinity of the place of occurrence was made, to secure objective electronic evidence relevant to the incident, timeline and identity of the alleged assailant. On 18.07.2025, learned JMFC granted Regular Bail to the co-accused Arjun @ Veeru.

4. On 28.08.2025, Notice under Section 35(3) B.N.S.S. was served upon the Applicant, thereby giving apprehension of his immediate arrest. On 30.08.2025, he filed for Anticipatory Bail Application before learned ASJ, which got dismissed on 17.09.2025.

5. The **Bail is sought on the ground** that the Applicant is a law-abiding citizen with clean antecedents. He is working as a professional driver and is the sole bread-winner for his dependent family members. The allegations against him are only on the disclosure made by co-accused that he had handed-over the chain to him to sell it further. There is no CCTV footage, no eye-witness and no recovery from either accused. It is settled law that statement/confession of co-accused, is not substantive evidence against another accused and at best, can lend assurance to other independent proof. There is no recovery, pursuant to disclosure to the Police thereby making the bare narrative of event inadmissible under Section 27 of the Evidence Act. Reliance is placed on Haricharan Kurmi vs. State of Bihar, AIR 1964 SC 1184.

6. Furthermore, the Co-accused has already been granted Bail and the allegations against the Petitioner are derivative and weaker, on the ground of parity as well. Reliance is placed on Sushila Aggarwal vs. State (NCT of Delhi), (2020) 5 SCC 1.

7. It is further submitted that IO has taken objection to Bail for seeking custody to effect the recovery. However, no recovery from the co-accused



could be made during police custody and no fruitful action has been taken against the alleged recipient Babiya. Absent concrete recovery-linked steps, custodial interrogation of the Applicant is not shown to be on any basis. Reliance is placed on Satender Kumar Antil vs. CBI, (2022) 10 SCC 51, wherein it has been mandated that strict compliance with arrest/restraint must be met especially in offences punishable with imprisonment for 7 years. The unnecessary custodial arrest must be eschewed when appearance and cooperation can be secured by imposing conditions.

8. Earlier non-appearance of the Applicant pursuant to the Notice under Section 35(3) BNSS stemmed from apprehension of arrest. He undertakes unconditionally to join and cooperate the investigation. Reliance is placed on Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273, which emphasizes that arrest is not automatic and must meet Necessity Tests. Article 21 of the Constitution of India balances and favors liberty with strict conditions. Reliance is placed on Singh Sibbia vs. State of Punjab, (1980) 2 SCC 565.

9. The investigative alternatives short of custody, are both available and effective; (i) immediate joining of investigation on dates fixed by IO; (ii) production of mobile numbers/devices, CDR consent, and bank/UPI statements; (iii) marking and geo-location sharing if required; (iv) no contact with complainant/witnesses; (v) readiness to participate in any Test Identification of property, if recovery materializes. These conditions are directly in line with the observations made by the Hon'ble Supreme Court in the case of Satender Kumar Antil.

10. The Anticipatory Bail Application has been dismissed by the learned Sessions Court on the ground that custodial interrogation is required without identifying the specific aspects which require the Applicant's physical



custody. The Applicant and his family members are facing repeated harassment from Police officials, who have visited his residence multiple times, intimidated his family and disrupted their normal life.

11. The Applicant submits that he undertakes to join the investigation as and when directed by the IO and not to tamper with evidence, threaten any witness, or influence the investigation in any manner and also to abide by the conditions that may be imposed. Prayer is therefore, made for grant of Bail.

12. **Status Report filed on behalf of the State be taken on record.**

13. Learned APP for the State submits that during the investigations CCTV footage of place of occurrence was collected and analyzed and co-accused Arjun @ Veeru s/o Applicant was identified. Subsequent search was carried out and he was apprehended. On 14.06.2025, during interrogation, he disclosed that after snatching the gold chain, he handed it over to his father (Applicant herein), who subsequently sold it to one Babliya, a neighbour known to the Complainant. Despite sustained interrogation, the Applicant did not co-operate in the recovery.

14. Notice under Section 35.4 BNSS was served upon the Applicant as well as Babliya on two occasions, but they both failed to join investigations.

15. **Bail is opposed** on the ground that the chain is yet to be received. Co-accused Babliya is known to the Applicant and there is credible apprehension that he may influence or tamper with the witnesses or co-accused, if granted Bail.

16. Main accused Arjun @ Veeru is son of the Applicant, who had snatched the Gold chain of the Complainant and the Applicant was involved in disposal of the stolen Gold chain.

17. **Bail is opposed** on the ground of gravity of offence, active role of the



Applicant in disposing of the stolen property.

Submissions heard and record perused.

18. As per the case of the prosecution, the role of the Applicant is that Complainant's Gold chain was snatched by his son (co-accused Arjun @ Veeru) and thereafter, it was handed over to him and he further handed it over to Babliya. The main accused Arjun has already been granted Bail. No custodial interrogation is merited as it is the case of the Prosecution that the Applicant had handed over the chain to Babliya.

19. Considering the facts and circumstances of the case, it is directed that in the event of his arrest, the Petitioner/Applicant shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, on the following terms and conditions:

- a) The Petitioner/Applicant shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court;
- b) The Petitioner shall join the investigations, as and when called by the Investigating Officer;
- c) The Petitioner/Applicant shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner 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; and
- e) 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.

20. The copy of this Order be communicated to the Jail Superintendent, as well as, to the learned Trial Court.

21. The Bail Application is accordingly disposed of. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J.

OCTOBER 30, 2025/R