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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4400/2025**
ATUL KUMAR UPADHYAYPetitioner

Through: Mr. Rahul Sharma, Mr. Rahul Kumar Singh, Ms. Rimjhim Priya, Mr. Nirbhay Gangwar, Mr. Pradeep Kumar and Mr. Ganpat Ram, Advocates.

versus

THE STATE OF NCT OF DELHIRespondent
Through: Mr. Hemant Mehla, APP.
SI Sahil, P.S. Prasad nagar.
Mr. Kapil Kapoor and Ms. Priya Dwivedi, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
18.12.2025

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 466/2025 dated 17th October, 2025, registered under Sections 110 and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ at P.S. Prasad Nagar, Delhi.
2. The case of the prosecution against the Applicant is that on 16th October, 2025, an alleged quarrel took place near Pyare Lal School, Dev

¹ "BNSS"

² "CrPC"



Nagar, Karol Bagh, in which the complainant/injured Rakesh Srivastav sustained injuries and was admitted to LHMC Hospital, where his brother Aman was also medically examined. As per the MLC, the complainant sustained multiple cut and lacerated injuries on the neck, chest and behind the ear. The injuries of both injured persons were opined to be simple in nature. It is alleged that the complainant and his brother were assaulted by the Applicant, co-accused Akshay, and two others, pursuant to a prior dispute. Co-accused Akshay allegedly caused injuries to the complainant with a knife-like object and the Applicant is alleged to have struck the complainant's brother with a stone. On the statement of the injured, the FIR was registered and the Applicant and co-accused Akshay were arrested on 17th October, 2025. It is further alleged that pursuant to a disclosure statement made by co-accused Akshay, the alleged weapon of offence, i.e., a thread cutter, was recovered. The investigation stands completed and charge-sheet has been filed against the Applicant.

3. Mr. Rahul Sharma, Counsel for the Applicant, submits that the incident arose out of a sudden quarrel between known persons, in respect of which cross-FIRs have been registered, both sides sustained injuries, and the dispute has since been amicably settled between the parties. It is contended that the injuries suffered by the complainant have been opined to be simple in nature and that he was discharged from the hospital on the same day. The only allegation against the Applicant is of assaulting the complainant's brother with a stone, whereas the alleged use of a sharp object is attributed to the co-accused, and no recovery has been effected from the Applicant. It is further submitted that the investigation qua the Applicant stands

³ "BNS"



completed, the charge-sheet has been filed, the Applicant has no criminal antecedents, and his continued judicial custody, after more than 2 months of incarceration, is not required.

4. Mr. Hemant Mehla, APP for the State, opposes the bail application, contending that the Applicant was actively involved in the commission of the alleged offence. It is submitted that there is an apprehension that the Applicant may influence or threaten the prosecution witnesses if released on bail, and that he may not appear before the Court in the event of grant of bail, as he does not have a permanent residence in Delhi. The offence involves violence arising out of a quarrel between the parties and the possibility of a further breach of peace or repetition of similar conduct cannot be ruled out.

5. The Court has considered the facts and the submissions advanced. The incident in question appears to have arisen out of a sudden scuffle between known persons and does not *prima facie* disclose a premeditated or planned assault. The injuries suffered by the complainant have been opined to be simple in nature and the allegation against the Applicant is limited to the use of a stone, whereas the alleged use of a sharp object is attributed to the co-accused.

6. The investigation stands completed and the charge-sheet has already been filed, and the custody of the Applicant is no longer required for the purposes of investigation. As per the nominal roll dated 16th December, 2025, the Applicant has been in custody for more than 2 months and, as per the previous involvement report, he has no criminal antecedents. Counsel for the complainant, who is present in Court, confirms that the dispute between the parties has been settled and submits that he has no objection to the grant



of bail to the Applicant.

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 the aforesaid circumstances, including the nature of the incident, the nature of injuries, the role attributed to the Applicant, and the subsequent settlement between the parties, this Court is of the view that continued incarceration of the Applicant would not serve any useful purpose. 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 country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;

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



- 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;
 - g. The Applicant shall report to the concerned PS on the first Friday every 3rd month.
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 18, 2025

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