



\$~55 & 56

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4446/2025 & CRL.M.A. 34433/2025,**
CRL.M.A. 34434/2025

BIPIN @ VIPIN BASOYAApplicant
Through: Mr. Anirudh Kumar
Pandey and Mr. Sanjiv
Kumar Thakur, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Adv. with
SI Shubham Saini, PS
NFC, Delhi.

+ **BAIL APPLN. 4453/2025 & CRL.M.A. 34483/2025,**
CRL.M.A. 34484/2025

RAMAN BIDHURIApplicant
Through: Mr. Anirudh Kumar
Pandey and Mr. Sanjiv
Kumar Thakur, Advs.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav, Adv. with
SI Shubham Saini, PS
NFC, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **20.11.2025**

1. By the present bail applications, the applicants seek pre-arrest bail in FIR No. 233/2025 dated 12.06.2025, registered at Police Station New Friends Colony, for offences under Sections 115(2)/117(2)/126(2)/303(2)/333/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Briefly stated, the FIR was registered pursuant to a

BAIL APPLN. 4446/2025 & BAIL APPLN. 4453/2025

Page 1 of 5



complaint given by one of the victims that he and his wife had been mercilessly beaten by the accused Monu Basoya and other co-accused persons. It is alleged that due to prior animosity of the complainant's family with the family of accused Monu Basoya, the accused persons entered the office of the victim and started abusing and assaulting him. It is alleged that thereafter, the accused persons dragged him out of his office to the main road and then started mercilessly beating him. It is alleged that when the victim's wife tried to come to his rescue, she was also beaten. The complainant further alleged that the accused persons also took away ₹1,00,000/- from his office and snatched a gold chain from his neck during the scuffle.

3. The complainant / victim received grievous injuries and his ribs were also fractured. Injuries sustained by the wife of the complainant are stated to be simple in nature.

4. During the course of investigation, CCTV footage was obtained and three persons namely, Monu Baisoya, Aaditya Baisoya and Krishna Bidhuri, who were named in the FIR were arrested.

5. Chargesheet was thereafter filed. Other accused persons who had been arrested, disclosed that the applicants were also accompanying them but were initially not identified by the complainant.

6. Perusal of the CCTV footage shows that the accused persons including the present applicants, could be seen dragging the complainant out of his office and were also assaulting him.

7. The chargesheet also mentions that a raid was conducted in search of the applicants but they were found absconding.

8. The learned counsel for the applicants submits that the
BAIL APPLN. 4446/2025 & BAIL APPLN. 4453/2025

Page 2 of 5



applicants have been falsely implicated in the present case due to prior enmity.

9. He submits that notice to join investigation was issued for the first time after filing of the chargesheet and therefore, custodial interrogation of the applicants is not required.

10. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicants.

11. The considerations governing the grant of pre-arrest bail are materially different than those to be considered while adjudicating application for grant of regular bail, as in the latter case, the accused is already under arrest and substantial investigation is carried out by the investigating agency.

12. It is trite law that the power to grant a pre-arrest bail under Section 438 of the CrPC is extraordinary in nature and is to be exercised sparingly. Thus, pre-arrest bail cannot be granted in a routine manner. The Hon'ble Apex Court, in the case of ***State of A.P. v. Bimal Krishna Kundu : (1997) 8 SCC 104***, held as under:

“8. A three-Judge Bench of this Court has stated in Pokar Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

“5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal.”

9. Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)

“The consideration which should weigh with the Court while dealing with a request for anticipatory



bail need not be the same as for an application to release on bail after arrest.”

xxxx

xxxx

xxxx

12. We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on “the career of millions of students”, learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order.”

13. Perusal of the record indicates that the victims were mercilessly beaten. The victims not only included the complainant but also his wife. The role of the applicants is not only that they accompanied the accused persons but they are also seen in the CCTV footage dragging the complainant and also giving him beatings, which led to serious injuries.

14. The learned Trial Court, while rejecting the applications seeking pre-arrest bail of the applicants *vide* separate orders dated 13.10.2025, also noted that the complainant was beaten in broad daylight in full public view. It was also noted that even after the police arrived at the spot, the accused persons did not stop and continued beating the complainant. Further, the MLC indicates the complainant had received four fractures in his
BAIL APPLN. 4446/2025 & BAIL APPLN. 4453/2025

Page 4 of 5



ribcage and back.

15. I have perused the CCTV footage. It can be seen that the victim was beaten mercilessly in an inhuman manner on the main road in a full public view. Such offence, by no stretch of imagination, can be said to be petty in nature.

16. At this stage, *prima facie*, the material presented by the prosecution indicates the complicity and active involvement of the applicants in the commission of the offence.

17. The investigation conducted thus, so far does not indicate that the applicant is sought to be falsely implicated. The allegations against the applicants are supported by enough evidence at this stage, which would entitle the Police to seek custodial interrogation of the applicants.

18. In view of the aforesaid discussion, considering the gravity of offence, material on record as well as the nascent stage of investigation, in the opinion of this Court, the applicants are not entitled for grant of pre-arrest bail.

19. The present bail applications are, therefore, dismissed.

20. 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.

21. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

NOVEMBER 20, 2025

'KDK'