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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4867/2025**
MONU MISHRAApplicant

Through: Mr. Lokesh Khanna, Advocate.

versus

THE STATE NCT OF DELHIRespondent

Through: Mr. Hitesh Vali, APP.
SI Dhiraj Singh and HC Amit, P.S.
Shalimar Bagh.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
24.12.2025

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in FIR No. 569/2025, registered at P.S. Shalimar Bagh, for the offences under Sections 305(b)/317(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.³

2. The case of the prosecution, in brief, is as follows:

2.1. On 25th October, 2025, a PCR call was received regarding a theft at House No. 166, Main Road, Shalimar Bagh, Delhi. Upon reaching the spot, the police found the Applicant, having been caught red-handed by the complainant, along with stolen property, namely an electronic machine

¹ "BNSS"

² "Cr.P.C."



removed from an Airtel tower after cutting its wires. The complainant stated that he noticed certain persons tampering with the tower installed on his rooftop. The Applicant was held back while the remaining associates fled. On the basis of the said complaint, the FIR was registered and investigation commenced. During investigation, the stolen property along with wire-cutting tools was seized from the Applicant's possession.

2.2. During custodial interrogation, the Applicant admitted his involvement and disclosed that the offence was committed in concert with his associates, namely Ritik, Neeraj and Mannu. He was accordingly arrested.

3. Counsel for the Applicant contends that the Applicant has been falsely implicated. It is submitted that the Applicant merely accompanied his friends on their request, believing that they were carrying out work at the Airtel tower. He only assisted in pushing equipment up the staircase and, when the others fled from the spot, he too attempted to leave but was apprehended, while the co-accused escaped. It is urged that the Applicant is innocent and has no criminal antecedents.

4. It is further submitted that the Applicant has been in judicial custody since 25th October, 2025, and that his earlier bail applications were dismissed by the Trial Court without assigning cogent reasons. It is submitted that the Applicant is barely 18 years of age, a student pursuing his studies. He belongs to an economically weaker section of society; his father is physically disabled, his mother is a housewife, and the Applicant is the sole earning member of the family, upon whom the entire family is dependent for survival. Thus, bail is also sought on humanitarian grounds.

³ "BNS"



5. On the other hand, Mr. Hitesh Vali, APP for State, opposes the request. He contends that the offence pertains to theft of critical telecom infrastructure, which has a direct bearing on public communication services and public safety. The investigation is at a crucial stage; recoveries are yet to be effected, and certain accused persons are absconding. A supplementary charge-sheet is likely to be filed upon their apprehension. It is submitted that two co-accused, namely Neeraj and Mannu, are still at large and efforts are ongoing to arrest them. Grant of bail to the Applicant would impede the investigation, as there exists a strong likelihood of the Applicant influencing witnesses, tampering with evidence, or facilitating the absconding co-accused in evading arrest, thereby prejudicing the ongoing investigation.

6. The Court has considered the facts and the submissions advanced. At the outset, it is noted that the Applicant has been in judicial custody since 25th October, 2025. The investigation, insofar as the Applicant is concerned, has substantially progressed. The Applicant was apprehended at the spot and the alleged stolen electronic equipment as well as tools purportedly used for commission of the offence have already been recovered from his possession. The site plan has been prepared and the Applicant's disclosure statement has been recorded. In these circumstances, further custodial interrogation of the Applicant is not warranted and his continued incarceration would partake the character of punitive detention.

7. As per the prosecution case, the Applicant, along with his co-accused, committed theft of electronic equipment installed at a telecom tower. On the other hand, it is the Applicant's case that the co-accused were his friends and that he had merely accompanied them on their request, under the impression that legitimate work was being carried out, and had only assisted



in pushing equipment up the staircase. The precise role attributed to the Applicant and the nature of his involvement would require adjudication during trial after the parties have adduced evidence. At the stage of bail, this Court is not expected to undertake a detailed examination of the probative value of the prosecution case. The limited enquiry is whether continued detention of the Applicant is necessary to secure the ends of justice.

8. The principal ground on which bail is opposed by the State is that certain co-accused persons are yet to be apprehended and that a supplementary charge-sheet may be filed upon their arrest. However, it is well-settled that mere pendency of investigation or the fact that co-accused are absconding cannot, by itself, justify indefinite incarceration of an accused who is already in custody, particularly when the material recovery attributable to him stands completed and no further custodial interrogation is shown to be necessary.

9. The State's apprehension regarding the Applicant influencing witnesses, tampering with evidence, or assisting the absconding co-accused can be adequately addressed by imposing appropriate and stringent conditions while granting bail.

10. The Court also cannot lose sight of the personal circumstances of the Applicant. The Applicant is about 18 years of age and is a student. He belongs to an economically weaker section of society; his father is physically disabled, his mother is a housewife, and the Applicant is the sole earning member of the family. Prolonged incarceration at this formative stage of life is likely to have a lasting impact on his future prospects.

11. 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 Accordingly, having regard to the age of the Applicant, the period of custody already undergone, the stage of investigation, and the absence of any material indicating a likelihood of misuse of liberty, this Court is inclined to allow the request.

12. The Applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of INR 10,000/- with one surety 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;
- 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 first Friday every

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



third month;

13. 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.

14. 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.

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

SANJEEV NARULA, J

DECEMBER 24, 2025

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