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

+ **BAIL APPLN. 169/2026**

AZHARUDDIN ALIAS AZHAR

.....Petitioner

Through: Mr. Rajiv Takbi and Mr. A.P. Verma,
Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Nitin and HC Shahzad, PS Civil
Lines, Delhi

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **15.01.2026**

CRL.M.A. 1410/2026 (for exemption)

Exemption allowed, subject to all just exceptions.

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1. Applicant seeks anticipatory bail in case eFIR No. 27153/2025 PS Civil Lines under Section 305 (B)/317(2) of *Bharatiya Nyaya Sanhita, 2023*.
2. The foremost reason assigned for grant of anticipatory bail is that co-accused has already been arrested and the stolen motorcycle has been recovered.
3. An incident of theft had taken place outside the residence of Lieutenant Governor from where the motorcycle of complainant was stolen away. There is CCTV installed near the spot and the incident of theft was captured.
4. Theft took place on 02.10.2025 and, admittedly, motorcycle was

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recovered on 13.10.2025 from the possession of co-accused Khushal (his close relative i.e. brother-in-law) but such fact, in itself, would not mean that applicant becomes entitled to be released on anticipatory bail.

5. Though as per disclosure made by his co-accused Khushal, he had asked the applicant to arrange for a motorcycle and on his request, applicant along with his friends had committed theft, custodial interrogation would reveal his complicity and actual sequence of events, starting from theft till its recovery from the conscious possession of his close relative i.e. brother-in-law. Moreover, accused pleads false implication and disowns the version of his co-accused as well.

6. Despite the fact that the applicant was directed to join investigation and notice was pasted outside his house, he failed to join the investigation which has resulted in issuance of coercive process against him.

7. In view of given factual matrix though the motorcycle in question has been recovered, it does not, automatically, entitle applicant to be released on anticipatory bail, particularly when he is not coming forward to join the investigation despite issuance of notice. Moreover, his custodial interrogation seems imperative.

8. In view of the above, application seeking anticipatory bail is hereby dismissed.

MANOJ JAIN, J

JANUARY 15, 2026/dr/pb