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

+ **BAIL APPLN. 592/2026**

SANTOSH KUMAR DASS

.....Applicant

Through: Mr. Nishant Sharma, Mr. Rahul Verma and Mr. Anuj Kumar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms. Upasna Bakshi and Mr. Dinesh Kumar, Advocates with SI Ajay Kuma and ASI Raj Kumar, PS.: DWK, North

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

23.03.2026

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1. By virtue of the present application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) read with *Section 528* of the BNSS, the applicant seeks grant of regular bail in FIR No.357/2025 dated 20.09.2025 registered at PS.: Dwarka North, Delhi under *Section 110/3(5)* of the Bharatiya Nyaya Sanhita, 2023 (**BNS**).

2. *Briefly put*, on the intervening night of 19-20.09.2025, pursuant to a PCR call, Police reached the spot where it was found that in the course of an altercation two persons had sustained serious injuries. Thereafter, upon receiving information from Tarak Hospital, the Police reached there and found that both the injured persons, namely, Ashok Shah and Laxman Kumar had sustained head injuries. While Ashok Shah was declared unfit



for statement, the other injured Laxman Kumar, though declared fit to give a statement, was unable to do so owing to nervousness and pain.

3. Subsequently, the statement of the injured Laxman Kumar, i.e., the complainant was recorded, wherein he alleged that the applicant came to his place along with his associates and sought his as well as Ashok Shah's assistance to beat a person. Upon their refusal, the applicant allegedly asked his associates to beat the complainant and Ashok. During the whole incident, since someone struck Ashok on his head with a brick, it resulted in serious injury. Based thereon, the present FIR was registered.

4. In these facts, learned counsel for the applicant praying for release of the applicant on regular bail submits that **[i]** the applicant, being a person with clean antecedents, has been falsely implicated in the present case since the applicant refused to grant partnership to the injured persons; **[ii]** the statement of the complainant, based whereon the present FIR has been registered, was recorded at a much later stage despite as per MLC no.1448/2025, he was declared fit for giving statement; **[iii]** accusation against the applicant is vague, doubtful and unclear; **[iv]** both the injured persons in their statements had not named the applicant as one who had caused the injury; **[v]** the brick and sticks with which the injury has been allegedly caused has not be recovered **[vi]** neither is there any eye witness nor CCTV footage nor CDR to support the prosecution case; **[vii]** the applicant is in custody since 27.10.2025 and investigation *qua* him stands concluded with chargesheet having been filed; and lastly **[viii]** there are as many as *thirteen* prosecution witnesses of which, none of them has been examined till date and thus, it is very likely that conclusion of trial will take time.



5. Learned APP for the State has handed over the Status Report, which is taken on record.

6. *Per contra*, learned APP for State opposing the present application submits that **[i]** allegation against the applicant is serious inasmuch as one of the injured sustained grievous injury; **[ii]** the applicant was absconding after committing the offence; **[iii]** there is genuine apprehension that the applicant may jump the bail, particularly since the applicant has no permanent residence in Delhi; and lastly **[iv]** the applicant may help other co-accused who are still absconding.

7. Heard learned counsel for the applicant as also the learned APP for the State and perused the documents as also the Status Report on record.

8. The whole case of the prosecution substantially rests upon the statements of both the injured persons, and a plain reading thereof shows that the allegations insofar against the applicant is concerned are *prima facie* general and omnibus in nature. Interestingly, neither of the injured, have named the applicant as one who had caused the injury anywhere in their respective statements. What further weighs in the favour of the applicant is the absence of any eye-witness(es), CCTV footage or the CDR analysis. The prosecution has also failed to recover the alleged weapon used in the offence till now. In these circumstances, the case of the prosecution does not appear to be so convincing as to warrant continued incarceration of the applicant, *particularly* whence the applicant had remained under custody for nearly five months and the trial is likely to take time. As such, the applicant has made out a case for grant of bail.

9. Accordingly, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.357/2025



dated 20.09.2025 registered at PS.: Dwarka North, Delhi under Section 110/3(5) BNS, upon him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
 - ii. Applicant shall surrender his passport, if any, to the IO, within a period of *three days*.
 - iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and setting for location be kept on at all times.
 - v. Applicant shall report to the IO at PS: Dwarka North once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or make contact with any of the prosecution witnesses, or tamper with the evidence of the case.
10. Copy of this order be sent to the concerned Jail Superintendent for information and compliance.



11. Needless to say, since the expressions of opinion, if any, are for the purposes of adjudicating the present application only, they have no bearing on the overall merits/ trial involved in the matter.
12. Accordingly, the present application is disposed of.

SAURABH BANERJEE, J

MARCH 23, 2026/So