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

+ **BAIL APPLN. 617/2026**

MADAN @ NEPALI

.....Petitioner

Through: Mr. Alamine, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with SI Sachin Rathee, P.S.
Mukherjee Nagar

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

08.05.2026

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1. By way of the present application, the applicant seeks grant of regular bail in case arising out of FIR bearing No. 31/2025, dated 13.01.2025, registered at Police Station Mukherjee Nagar, Delhi for the commission of offences punishable under Sections 331(3)/305 of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. The brief facts of the case are that on 12.01.2025, a PCR call *vide* DD no. 60A had been received at P.S. Mukherjee Nagar regarding breaking of lock and theft of articles from property bearing no. 103A-23/24, IInd Floor, Satija House, Mukherjee Nagar, Delhi. The police officials had reached the spot and met the complainant Sh. Ravindra Pahuja; the crime team had inspected the spot. Though the Investigating Officer had attempted to record the statement of the complainant on the same day, the complainant had



sought time for preparing the list of stolen articles and therefore, the PCR call had remained pending. Thereafter, on 13.01.2025, the complainant had submitted a written complaint at P.S. Mukherjee Nagar stating that an amount of about ₹15,00,000/- had been stolen from his flat after breaking open the lock. On the basis of the said complaint, the present FIR came to be registered and investigation was taken up. Subsequently, upon discussion with his nephew, the complainant had stated that the actual amount stolen was about ₹35 lakhs, pursuant to which his supplementary statement was also recorded. During investigation, on the basis of technical surveillance and local intelligence, several accused persons were arrested between 17.01.2025 and 08.03.2025. The present applicant/accused Madan @ Nepali was also arrested in connection with the present case. Recoveries were also made from six accused persons, of a total amount of ₹18,11,950/-. The chargesheet has already been filed before the learned Trial Court.

3. The learned counsel appearing for the applicant argues that the applicant has been falsely implicated in the present case and no material has been placed on record to conclusively connect him with the alleged offence. It is stated that he has been in judicial custody since 21.01.2025. It is contended that, as per the prosecution case itself, only an amount of ₹2,58,500/- had allegedly been recovered from the residence of the applicant and there is no material to establish that the said amount formed part of the alleged stolen property. It is further argued that no CCTV footage, eyewitness account, gold articles, tools allegedly used in commission of the offence, or the vehicle allegedly arranged by the applicant have either been recovered or linked with the applicant during investigation. The learned counsel further submits that co-accused persons, from whom larger



recoveries had allegedly been effected, have already been granted regular bail by the learned Trial Court and therefore, the applicant is entitled to bail on the ground of parity, including parity with co-accused Abhinandan, who has also been granted bail. It is thus prayed that the present application be allowed.

4. *Per contra*, the learned APP for the State opposes the bail application and argues that the allegations against the applicant are serious in nature and during investigation, an amount of ₹2,58,500/- had been recovered from the possession/residence of the applicant, which forms part of the overall recovery effected in the present case. It is further submitted that the chargesheet has already been filed before the learned Trial Court. The learned APP further submits that the applicant is a habitual offender and is involved in about 45 other criminal cases. It is also submitted that the jail conduct of the applicant has been reported to be unsatisfactory. On these grounds, it is argued that no ground for grant of bail is made out in favour of the applicant and the present application is liable to be dismissed.

5. This Court has **heard** arguments addressed by the learned counsel appearing for the applicant and the learned APP for the State, and has perused the material available on record.

6. In the present case, this Court notes that as per the case of prosecution, an amount of ₹2,58,500/- had been allegedly recovered from the applicant. *However*, it is also a matter of record that larger recoveries, including recoveries of about ₹5.68 lakhs, ₹4.65 lakhs and ₹2.07 lakhs, had allegedly been effected from other co-accused persons, who have already been enlarged on bail by the learned Trial Court.



7. This Court also notes that the applicant has remained in judicial custody for about 01 year and 04 months. The chargesheet has already been filed and the trial is likely to take a considerable period of time to conclude. In such circumstances, the continued incarceration of the applicant would serve no fruitful purpose.

8. Therefore, considering the overall facts and circumstances of the present case, this Court is inclined to grant bail to the applicant on his furnishing a personal bond in the sum of ₹10,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court, and if the applicant has a passport, he shall surrender the same to the concerned Trial Court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case.

9. Accordingly, the present bail application stands allowed and is disposed of.



10. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 08, 2026/ns
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