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

+ **BAIL APPLN. 947/2026**

VIJENDER

.....Petitioner

Through: Counsel (appearance not given).

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State along with SI Chetan Yadav.
Mr. Keshav Kant Sharma, Adv. for
R-2.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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11.03.2026

CRL.M.A. 7221/2026 & CRL.M.A. 7222/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

BAIL APPLN. 947/2026

3. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 550/2025, registered at Police Station Model Town, Delhi, for the commission of offences punishable under Sections 74/115(2)/126(2)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').
4. Issue notice. The learned APP accepts notice on behalf of the State.
5. Briefly stated, the facts of the case are that on 01.11.2025, the present



FIR was registered on the basis of a PCR call received *vide* DD No. 10A. The statement of the complainant, Ms. 'M', wife of Mr. 'V', resident of Delhi, was recorded, wherein she stated that while returning from a party along with her husband and in-laws, they had stopped at Model Town to drop her in-laws at their residence. It is alleged that while the complainant was standing on the staircase and her husband had gone to bring the car from the parking area, the accused persons, namely Vijender and Binder, had approached her from behind, whereupon accused Binder had allegedly held her from the back and accused Vijender had attempted to restrain her and remove her *kurta*. Upon the complainant raising an alarm, her family members had arrived at the spot and a scuffle had ensued between both parties. It is further alleged that the present accused/applicant Sibbu, and co-accused Aman and Arman had also joined and caused injuries to the complainant and her family members with a stick. On the basis of the aforesaid allegations, the present FIR was registered against the accused persons, Binder, Vijender, Aman, Sibbu (present applicant), and Arman. Subsequently, during the night, the injured persons from the complainant's family were taken to BJRM Hospital, where medical examination of all four injured persons was conducted and treatment was provided. Thereafter, the complainant was produced before the learned Magistrate where her statement was recorded under Section 183 of the BNSS, in which she reiterated and supported her earlier statement given to the police.

6. The learned counsel appearing on behalf of the applicant though concedes that the anticipatory bail application of the co-accused persons has been rejected by this Court *vide* order dated 14.01.2026 and 03.02.2026, however, he distinguishes his role from the role of the co-accused persons



person, whose bail applications have been rejected. He further states that the only role of the present applicant is that he had restrained the injured persons from leaving the spot and that the complainant has filed the present complaint due to previous animosity. The learned counsel further argues that the applicant is ready to join the investigation as and when required by the I.O. Therefore, it is prayed that anticipatory bail be granted to the present applicant.

7. *Per contra*, the learned APP appearing for the State argues that the present applicant/accused had actively participated in the commission of the offence. It is contended that the applicant not only restrained the injured persons from leaving the spot but also called other co-accused persons, whereafter four persons sustained injuries in the present incident. It is further argued that the applicant also misbehaved with Ms. 'M' during the incident. It is also stated that, despite service of notice under Section 41A of the Cr.P.C., the applicant has failed to join the investigation, and the proceedings under Section 82 of Cr.P.C. have been initiated against him. The learned APP further contends that the applicant has repeatedly threatened the complainant even after the registration of the FIR. Accordingly, it is prayed that the present bail application be dismissed.

8. This Court has **heard** arguments addressed on behalf of the applicant and the State, and has perused the case file.

9. In the present case, the applicant is alleged to have actively participated in the commission of the offence, and he had not only allegedly restrained the injured persons from leaving the spot but also allegedly attempted to sexually assault the victim 'M', who in her statement recorded under Section 183 of the BNSS, 2023, has specifically alleged that,



“Vijender attempted to remove my pyjama but was unsuccessful. Thereafter, all of them, namely Vijender, Binder, Shivam, Aman, and Arman, forced me to lie down and attempted to remove my pyjama, and all of them kicked me on my private parts.”

10. Further, the nature and gravity of the offence alleged cannot be ignored by this Court while considering the present bail application. The material on record *at this stage* discloses that there are four injured persons in the present case, and the medical evidence *prima facie* corroborates the prosecution case regarding the seriousness of the injuries. The injuries are alleged to have been inflicted by the applicant herein, along with the co-accused persons, by use of a sharp stick. The injuries sustained by the victims are set out below:

J’s MLC: The doctor noted a laceration measuring 7x0.5x0.5 cm on the scalp, an abrasion on the right elbow, and a punctured wound on the right leg. He was referred for surgery. (Opinion: Punctured wound is possible with sharp object and other injury abrasion could be possible with 'Blunt or Sharp' object)

S’s MLC: The doctor stated that the patient was conscious and had a laceration measuring about 4x0.5x0.5 cm on the right temporal region, along with swelling on the ankle. (Opinion: Injuries could be possible with 'Sharp and Blunt object'. Nature of injury is Grievous)

U’s MLC: The doctor mentioned an abrasion on the right knee and right forearm, and swelling on the right temporal area.

M’s MLC: The doctor reported a laceration about 4x0.5x0.5 cm over the temporal region, an abrasion on the left forearm, and bruises on the thighs and right shoulder. Photographs of which has been attached with this report. (Opinion: Injuries could be possible with 'Sharp and Blunt object...’)

11. This Court also finds force in the submission of the State that there exists a reasonable apprehension that the applicant may intimidate or threaten the complainant and other witnesses, since the parties are stated to



be neighbours, and specific complaints dated 16.11.2025 and 09.01.2026 have been placed on record, alleging that the accused persons have been repeatedly extending threats to the complainant. In such circumstances, granting anticipatory bail may adversely affect the fair course of investigation.

12. This Court also notes that the applicant has failed to join the investigation despite due service of notice. The record further shows that coercive steps, under Section 82 of Cr.P.C. have already been initiated against him. The learned APP for the State has also informed this Court that the case is now listed before the learned Trial Court for recording of the statement of the Process Server for declaring the applicant as Proclaimed Offender (PO).

13. Considering the facts and circumstances, and having regard to the nature of allegations, and other reasons recorded above, this Court is of the considered opinion that no grounds are made out for grant of anticipatory bail to the applicant/accused.

14. Accordingly, the present bail application is dismissed.

15. Nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

16. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MARCH 11, 2026/A
GJ