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

\# **CNR No. DLHC010275342026**

\+ BAIL APPLN. 2434/2026

BHOLA .....Applicant

Through: Mr. Tanishq Sirohi, Mr. Suryansh Vashisth, and Ms. Divya Sharma, Advs. (9910035356)

versus

STATE OF NCT OF DELHI & ORS. .....Respondents

Through: Mr. Sunil Kumar Gautam, APP
Ms. Anushkaa Arora, Standing Counsel DHCLSC for victim

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 09.10.2026

1. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks grant of regular bail in FIR No.242/2024 dated 10.05.2024 registered at PS: Kapashera under *Sections 363/366(A)/370/376/506/120B/34* of the Indian Penal Code, 1860 (***IPC***), *Section 6* of the Protection of Children from Sexual Offences Act, 2012 (***POCSO Act***) and *Sections 3/4* Immoral Traffic (Prevention) Act, 1956 (***ITP Act***).

2. On 16.09.2026, relying upon ***Pankaj Bansal vs. Union of India & Ors.:2023 SCC OnLine SC 1244***; ***Prabir Purkayastha vs. State (NCT of Delhi):(2024) 8 SCC 254; Mihir Rajesh Shah vs. State of Maharashtra & Anr.:2025 SCC OnLine SC 2356; Vihaan Kumar vs. State of Haryana & Anr.:(2025) 5 SCC 799,*** and ***Directorate of Enforcement vs. Subhash Sharma:2025 SCC OnLine SC 240*** passed by the Hon'ble Supreme

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Court, wherein it has been held that an arrestee like the applicant without supplying of '*grounds of arrest*' in writing at the time of his arrest in a language he understands deserves to be granted regular bail, learned counsel for the applicant submitted that as the case of the applicant is directly covered thereunder, there is violation of his fundamental rights under *Article 22* of the Constitution of India. In effect, the applicant has not been supplied with the '*grounds of arrest*' in writing at the time of his arrest.

3. Learned counsel then drew attention of this Court to the judgment of this Court in ***Habibur Molla @ Sonu vs. State (Govt. of NCT of Delhi) & Anr. [2026:DHC:508]*** wherein a co-accused, and to whom the role assigned is largely similar to that of the applicant, has already been granted bail by this Court in view of the established legal position.

4. In response today, learned APP though admits that the '*grounds of arrest*' were not informed/ furnished/ supplied either orally or in writing to the applicant, however, considering the allegations levelled against him herein, he urges this Court to exercise greater care and circumspection and to not grant bail to the applicant. He also submits that mere absence of furnishing of the '*grounds of arrest*' in writing does not *ipso facto* render the arrest illegal, unless it results in demonstrable prejudice or denial of fair opportunity to defend, the present application deserves dismissal.

5. This Court has heard the learned counsel for the applicant, learned APP as also learned counsel for the complainant/ victim and perused the documents on record.

6. The law qua non-furnishing of the '*grounds of arrest*' to an arrestee in writing in a language s/he understands would tantamount to

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infringement of their fundamental rights under *Articles 21* and *22* of the Constitution of India and render such an arrest illegal, is no longer *res-integra* as the Hon'ble Supreme Court in ***Pankaj Bansal (supra)*** held so. In fact, reiterating the same in ***Prabir Purkayastha (supra)***, the Hon'ble Supreme Court has also specified that the same includes arrests under all circumstances, irrespective of the Statute(s) involved. The same, has also been reiterated by the Hon'ble Supreme Court in ***Mihir Rajesh Shah (supra)*** as well.

7. In such circumstances, wherein it is an admitted position that there are no '*grounds of arrest*' mentioned in the Arrest Memo herein, the applicant is entitled to grant of regular bail, and as per the established legal position in ***Pankaj Bansal (supra)***, ***Prabir Purkayastha (supra)***, ***Mihir Rajesh Shah (supra)*** and ***Vihaan Kumar (supra)***, as also since this Court has also granted regular bail to a co-accused in the present FIR in ***Habibur Molla @ Sonu (supra)***, the present application is allowed.

8. As such, the present application is allowed and the applicant be released on regular bail in proceedings arising out of FIR No.242/2024 dated 10.05.2024 registered at PS: Kapashera under *Sections 363/366(A)/370/376/506/120B/34* of the IPC, *Section 6* of the POCSO Act and *Sections 3/4* ITP Act, subject to 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 and subject to 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 the concerned Court and shall ordinarily reside at the

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address as per TCR and shall surrender his Passport, if any, to the IO within three days of his release.

ii. Applicant shall join and participate in the investigation as and when called by the IO.

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.

v. Applicant shall not indulge in any criminal activity and shall not contact any of the prosecution witnesses, or tamper with the evidence of the case.

9. The present application is disposed of in the aforesaid terms.

10. Needless to say, observations made hereinabove, if any, on the merits of the matter are purely for the purposes of adjudicating the present application and shall not be construed as expressions on the merits therein.

SAURABH BANERJEE, J

OCTOBER 9, 2026/Ab/DA

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