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

\# **CNR No. DLHC010336842026**

\+ **BAIL APPLN. 2972/2026**

ASHEEMAN KHATOON @ SEEMA SHARMA

.....Petitioner

Through: Mr.Digant Mishra and Mr.Sahir Gahlot, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Tarang Srivastav, APP for State.
Mr. Sarthak Karol, DHCLSC, Ms. Neelakshi Bhadauria and Mr. Sashank Sharma, Advs. for deceased.

CORAM:
HON'BLE MR. JUSTICE ARUN BHARDWAJ

O R D E R

% 06.10.2026

1. The present application has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**'), seeking second regular bail for the applicant in FIR No. 35/2019 registered at Police Station Subhash Place under Section 365 Indian Penal Code, 1860 (Sections 302, 201, 394, 411 and 34 were added while filing the charge sheet).

2. The allegations against the Petitioner are that, she along with the co-accused had hired a cab and killed the cab driver so that they could sell the car.

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3. It is submitted by the learned Counsel for the Respondents that the bail application filed by the Petitioner before the learned Additional Sessions Judge ('**ASJ**') was dismissed *vide* order dated 04.07.2026.

4. It is further submitted that an earlier bail application filed by the Petitioner was rejected by this Court by way of order dated 07.04.2026. The said application, as noted in the aforesaid order, was dismissed as withdrawn.

5. Before adverting to the merits of the present application, it is apposite to enumerate upon the relevant considerations while granting bail. In the case of **Anil Kumar Yadav v. State (NCT of Delhi)**, (2018) 12 SCC 129, the Supreme Court held:

> "*While granting bail, the relevant considerations are: (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering. No doubt, this list is not exhaustive. There are no hard-and-fast rules regarding grant or refusal of bail, each case has to be considered on its own merits. The matter always calls for judicious exercise of discretion by the Court.*"

6. In the opinion of this Court, the learned ASJ had duly considered the aforesaid law as well as the facts and circumstances of this case necessary to be considered at the stage of bail. The learned ASJ had noted the heinous nature of the offences alleged against the Petitioner, the severity of the possible punishment and finally, the gruesome manner in which the prosecution has alleged the Petitioner

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to have committed the offences. In view of the same, this Court finds no perversity in the reasoning of the learned ASJ.

7. Further, in the case of **Bhoopendra Singh v. State of Rajasthan**, (2021) 17 SCC 220, the Supreme Court held that change in circumstances must be taken into account while considering successive bail applications. The relevant extract is reproduced hereinafter:

> "*16. In deciding as to whether the fifth bail application of the second respondent should be allowed, the High Court has failed to consider the seriousness and gravity of the crime and the specific role which is attributed to the second respondent. The deceased was due to testify in the trial in the prior case under Section 307IPC and the murder was committed barely a fortnight prior to the date on which he was to depose.* ***The High Court had rejected four previous bail applications. There was no change in circumstances.*** *In this backdrop, the High Court having failed to notice material circumstances bearing upon the grant of bail to the second respondent and, as noted above, having proceeded on a palpable erroneous basis, a case for the setting aside of the order of the High Court has been duly established.*"

8. In the present case, the first, second and third bail applications preferred by the Petitioner before the Ld. Trial Court have been dismissed. Further, the fourth regular bail application of the Petitioner has also been dismissed by the Ld. ASJ. Lastly, the bail application filed before this Court was also dismissed. Since then, there has been no change in the circumstances of the case which would persuade this Court to grant bail to the Petitioner in the present case.

9. In view of the above considerations, this Court is not inclined to

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grant bail to the Petitioner at this stage.

10. Therefore, the present petition is disposed of.

ARUN BHARDWAJ, J

OCTOBER 6, 2026/ar

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