



2026:DHC:1368



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

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Date of Decision: 17.02.2026+ **BAIL APPLN. 2065/2025**

SAURABH

.....Petitioner

Through: Mr. Anil Basoya, Mr. Kunal Basoya
and Mr. Rohit Lohia, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahalwat, APP for State
with Inspector Sanjeev Mishra and
Inspector Satbir Singh, PS Jaitpur.
Mr. Sidharth Yadav, Advocate for
deceased/Complainant (through
videoconferencing).**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 514/2023 of PS Jaitpur for offence under Section 302/34 IPC.

2. Broadly speaking, the prosecution case is as follows. In his FIR statement, Arjun, friend of the deceased Ravi stated that on 11.12.2023, three-four boys started beating up Ravi, so Ravi tried to flee, but those boys stopped him and assaulted him with fists and kicks. In the FIR, Arjun stated that he knew two of the assailants as Monu and Prince, and that he could

*BAIL APPLN. 2065/2025**Page 1 of 4 pages*

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identify the assailants if brought before him. The injured Ravi succumbed to his injuries on 15.12.2023 in the hospital. The identity of the assailants was tried to be established by police on the basis of their identification from CCTV footage.

3. On behalf of accused/applicant Saurabh, it is contended that he is innocent and has been falsely implicated. It is submitted by learned counsel for accused/applicant that there is no legally admissible evidence on the basis whereof the accused/applicant is being prosecuted. It is contended by learned counsel that in the CCTV footage, face of the assailant is not at all visible. Further, it is contended that although in the FIR, the allegation was that the deceased was assaulted by 3 – 4 boys with fists and kicks, but the CCTV footage depicts only one boy assaulting a person with *danda*. It is contended that the accused/applicant is in custody since 13.12.2023 and he is a young man of 25 years of age, with no antecedents. Further, it is pointed out by learned counsel for accused/applicant that the IO examined only two persons as eye witnesses, but both of them turned hostile to prosecution.

4. Learned APP for State contends that the accused/applicant got recovered his clothes on which blood of the deceased was detected as per FSL report. *Danda* used in the assault also was recovered at the instance of the accused/applicant, though it does not bear any blood stains.

5. Learned counsel for complainant *de facto* also has been heard and he submits that according to settled legal position, the CCTV footage is the best

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evidence, as it depicts the actual incident happening before the court, therefore, the same has to be relied upon. Learned counsel for complainant *de facto* also contends that there was previous animosity between the accused/applicant and the deceased.

6. Admittedly, all public witnesses stand examined in trial. If the CCTV footage relied upon by prosecution is believed to be the depiction of the actual incident, it reflects presence of a large number of public persons, but the IO examined only two of them and even those two have not supported prosecution case.

7. As regards the recovery of blood stained clothes, the same was carried out on 13.12.2023, while the incident occurred on 11.12.2023. One wonders as to why the accused would retain the blood stained clothes with him. Besides, as mentioned above, no blood was detected on the *danda*.

8. Further, no explanation at all has been advanced by the IO for not having arranged any Test Identification Parade despite the fact that the accused/applicant was not named in the FIR and even the manner of assault in the FIR is different from what came out subsequently, in the sense that FIR stated assault by fists and kicks while subsequent version was use of *danda*. Even that *danda* was found not bearing any blood stains.

9. Coming to the identification through CCTV footage, no doubt, CCTV footage is the best depiction of the incident in front of the court. But when it

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comes to identity of the assailants, the court has to be satisfied that the footage depicts the assailants in a manner that they can be correctly identified by the witness. Having seen the CCTV footage, I would avoid to render any finding on this aspect so that neither side gets prejudiced as regards final disposal of the trial. But suffice it to record that for limited purposes of liberty of the accused/applicant, I do not find the identification through CCTV in the present case, a reliable factor.

10. Considering the overall circumstances described above, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court.

11. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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(JUDGE)

FEBRUARY 17, 2026/dr