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

+ **BAIL APPLN. 3325/2025**

MOHD KAIF

.....Petitioner

Through: Mr. Manik Dogra, Sr. Advocate
with Mr. Mansoor Ansari, Mr.
Sarthak Rana, Mr. Zeeshan Ahmed
and Mr. Rishabh Singh,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP.
Mr. Sahil Gupta, Ms. Apoorva
Pradhan and Mr. Siddhartha,
Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **03.02.2026**

1. The petitioner seeks regular bail in connection with FIR No. 691/2025 dated 19.07.2025, registered at Police Station Kotwali, District North, New Delhi, under Sections 309(4)/311/3(5) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].
2. Pursuant to the order dated 28.01.2026, Mr. Ajay Vikram Singh, learned Additional Public Prosecutor ["APP"], has handed up an additional status report, which is taken on record.
3. The factual narrative with regard to the present case, as narrated in the status report, is as follows:
 - a. Information was received on 19.07.2025 regarding the offence of



robbery at gunpoint, committed at the house of the complainant [House No. 2184, 1st floor, Gali Hanuman Road, Kinari Bazar, Chandni Chowk, Delhi].

- b. Upon reaching the place of the incident, goods were found scattered.
- c. The complainant stated that he is in the business of diamond and stone jewellery. On 19.07.2025, at about 11:00 AM, a visitor ostensibly came to meet the complainant. When the door was opened to him, three persons entered the house and started ransacking the house, in the course of which they appeared to be looking for certain documents. The hands and mouth of the complainant's grandson were tied up, and one of the individuals pointed a pistol at him. The daughter-in-law of the complainant was also threatened at gunpoint. Various items of jewellery were stolen from the house.
- d. In the course of investigation, a supplementary statement of the complainant was later recorded on the same day, in which he stated that he knows the present petitioner, who also deals in the business of gems. It was alleged that the petitioner owes the complainant a sum of Rs.11,00,000/-, and that the complainant has some written documents of the money transactions, which he would present to the Investigating Officer later. The complainant further stated that, approximately two years prior to the incident, the petitioner had come to the complainant's house and left a pistol under the sofa cover, which he collected later. The complainant perceived this incident, as intended to threaten him. It was further stated that the



documents which the three intruders were talking about during the present incident could be the written documents relating to monetary transactions between the complainant and the petitioner.

- e. The petitioner was thereafter called for investigation on 19.07.2025. He joined the investigation, but was “*discharged from investigation for want of evidence at that time*”.
- f. On 22.07.2025, a co-accused, namely Alok Nath Mishra, was apprehended in Noida on the basis of CCTV footage. In his statement, he stated that the offence was committed by him alongwith two other accused persons on the instructions of the present petitioner.
- g. A pistol and five live cartridges were recovered from Alok Nath Mishra, alongwith one stolen mobile phone, and the clothes which he wore at the time of the incident.
- h. The recovered mobile phone of Alok Nath Mishra contains a photograph of Chawari Bazar Metro Station sent by the petitioner one day prior to the incident. Alok Nath Mishra disclosed that the photograph was of the spot where the three intruders were to meet on the day of the incident. It also contains voice notes sent by the petitioner after the commission of the offence, apparently instructing Alok Nath Mishra to be careful and not to make any telephone call or send any message to the petitioner.
- i. The petitioner was arrested on 22.07.2025. His phone contains a message from Alok Nath Mishra at 10:22 AM on the date of the incident, saying, “*call me*”.
- j. The petitioner was remanded to police custody for two days on



23.07.2025.

- k. On the basis of the above material, the prosecution contends that the present petitioner is the mastermind of the operation.
 - l. The chargesheet has been filed, and charges are yet to be framed. Further investigation is ongoing.
 - m. The specimen voice sample of the petitioner is yet to be obtained, and the Forensic Science Laboratory, Rohini, has scheduled the recording on 27.07.2026.
4. I have heard Mr. Manik Dogra, learned Senior Counsel for the petitioner, Mr. Singh, learned APP, and Mr. Sahil Gupta, learned counsel for the complainant.
5. In support of the present application, Mr. Dogra submits as follows:
- a. There is no direct material against the petitioner in the present case.
 - b. There is no conversation or communication between the petitioner and the co-accused persons prior to the incident, other than a photograph of the Chawari Bazar Metro Station, ostensibly sent by the petitioner, and a message sent by the co-accused Alok Nath Mishra to the petitioner shortly before the incident, asking the petitioner to call him.
 - c. The investigation is already complete and the chargesheet has been filed.
 - d. As far as the monetary documents between the petitioner and the complainant are concerned, no such documents have been submitted to the police by the complainant.
 - e. The alleged prior incident, during which the petitioner visited the



residence of the complainant, occurred approximately two years prior to the incident in question, and no complaint was made at that time.

- f. There is no recovery of stolen goods from the petitioner, nor do the alleged conversations between the petitioner and the co-accused refer to any financial or monetary transactions.

6. Mr. Singh and Mr. Gupta, on the other hand, oppose the grant of bail on the following grounds:

- a. They refer to the gravity of the alleged offence in which the petitioner is implicated.
- b. In fact, they submit that the petitioner was the mastermind, under whose instructions the offence was committed, in order to recover the financial documents exchanged between the petitioner and the complainant.
- c. Learned counsel submit that the involvement of the petitioner is established by reason of the voice notes recovered from the mobile phone of co-accused Alok Nath Mishra, and the WhatsApp messages between them referred to above.
- d. The petitioner may tamper with evidence, if released on bail.

7. While considering an application for bail, the Court is required to balance the needs of a fair and effective investigation, with the curtailment of the individual's valuable right to personal liberty. The Court must undertake a *prima facie* evaluation of the material placed on record, without, however, undertaking a mini trial.

8. On these principles, having heard learned counsel for the parties, I am of the view that it is appropriate to release the petitioner on regular



bail at this stage, despite the gravity of the offence. My reasons are as follows:

- a. The petitioner joined the investigation, when summoned by the Investigating Officer, pursuant to the supplementary statement of the complainant. As far as the monetary or prior transactions between the petitioner and the complainant are concerned, these were referred to in the complainant's supplementary statement, but the link between the incident in question and the documents is speculative, and framed as a *possible* motive for the incident. Even after the supplementary statement was recorded, the petitioner did join investigation and was discharged for want of evidence. Further, the documents referred to have not been submitted by the complainant to the Investigating Officer, despite six months having passed since the recording of the supplementary statement.
- b. Additional material was thereafter recovered from the mobile phone of co-accused Alok Nath Mishra, which led to the petitioner's arrest. The *prima facie* material collected thereafter, linking the petitioner with the incident in question, consists of a WhatsApp message showing a photograph of a location at Chawari Bazar Metro Station, sent by the petitioner to the co-accused Alok Nath Mishra on the day prior to the incident, a WhatsApp message from Alok Nath Mishra to the petitioner on the date of the incident asking the petitioner to call him, and three voice note messages sent by him to Alok Nath Mishra after the incident, when the petitioner was issued summons to join the investigation. However, at this stage, there does not appear to be any *prima facie* basis to



link the said photograph and WhatsApp message with the commission of the offence. As far as the voice note messages are concerned, they warn the co-accused to be careful and also describe the message sent by him as a big mistake, but ultimately the purport of the voice notes, *prima facie*, was to ask the co-accused not to call him or send messages to him.

- c. There is no recovery from the petitioner or at his instance. The communications exchanged between him and the co-accused also do not *prima facie* refer to any monetary or financial aspect, or to the offence.
- d. The Forensic Science Laboratory analysis in respect of the voice notes is also yet to be done, as the voice sample of the petitioner has not been collected yet. It therefore appears that the filing of the supplementary chargesheet contemplated by the prosecution, will also take a considerable period of time.
- e. The prior incident referred to, from which the complainant apprehended a threat from the petitioner, occurred approximately two years before the date of the incident, and no complaint was contemporaneously made in that regard.
- f. Mr. Singh, upon instructions, confirms that the petitioner has no prior criminal antecedents or involvements.

9. Having regard to these facts, it is directed that the petitioner be released on regular bail in connection with FIR No. 691/2025, dated 19.07.2025, registered at Police Station Kotwali, District North, New Delhi, under Sections 309(4)/311/3(5) of the BNS, subject to furnishing a personal bond of Rs.40,000/-, with one surety in the like amount to the



satisfaction of the concerned Metropolitan Magistrate, and subject to the following further conditions:

- a. The petitioner shall furnish his residential address to the Investigation Officer [“IO”] and the concerned Court, and shall not change his residence without prior intimation to the IO and the concerned Court.
 - b. The petitioner shall give his mobile phone number to the IO and shall keep the mobile switched on and in working conditions at all times. Any change of mobile phone number shall be on prior intimation to the IO.
 - c. The petitioner shall report to the concerned Police Station on every Monday at 04:00 PM, and shall be released within one hour after completion of the formalities.
 - d. The petitioner shall cooperate with the investigation and shall join as and when notice is given to him by the IO, including for the purposes of collecting his voice sample on 27.02.2026, or on any other date as the IO/ Forensic Science Laboratory may direct.
 - e. The petitioner shall not contact the complainant, or any member of his family, or any other witness in the case, and will not tamper with the evidence in any manner.
 - f. The petitioner shall not commit any other offence while he is released on bail.
10. The application is disposed of with the aforesaid directions.
11. Needless to say, the observations in this order are only for the purpose of deciding the present bail application, and are not intended to prejudice the case for any other purpose.



12. The order be communicated to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

FEBRUARY 3, 2026
'Bhupi/KA'/'