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

+ **BAIL APPLN. 4013/2025**

DILU

.....Petitioner

Through: Mr. Dishank, Mr. B. Vig,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP. SI
Vinod Nain, PS-Kotwali.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **19.02.2026**

1. By way of this application, the petitioner seeks regular bail in connection with FIR No. 80030724/2025, dated 22.03.2025, registered at P.S. Crime Branch, Delhi, under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"].

2. The facts of the case, as appearing from the status report dated 04.11.2025 filed by the prosecution, are as follows:

- A. The FIR was registered on the complaint of one Vijay Kumar, who stated that he was a victim of theft.
- B. The complainant alleged that he was travelling from Chandini Chowk towards Daryaganj, and was carrying a bag containing Rs. 8,00,000/- in cash.
- C. In the course of his travel, he boarded an e-rickshaw, and sat next to the driver in the front seat, but later the driver insisted he sit in the back, where four people, including two women, were already seated. After a while, the two women started fighting, during which his cash was stolen.



- D. When the complainant got off the e-rickshaw, he noticed that his bag felt lighter, and upon checking his bag, he found that the cash was missing.
- E. During the course of investigation, CCTV footage of the place of incident and nearby places was observed and seized, leading to three accused persons being identified, including the petitioner herein.
- F. The petitioner was arrested on 02.04.2025, and has been in judicial custody since.
- G. Cash worth Rs. 95,000/- was recovered from the address of the petitioner herein.
- H. TIP of all accused persons was conducted on 19.04.2025 in Tihar Jail, Delhi, where the petitioner was correctly identified by the complainant.
- I. Charge sheet in the case was filed on 21.05.2025.
- J. The last bail application filed by the petitioner before the Sessions Court was dismissed on 20.06.2025.
3. Mr. Dishank, learned counsel for the petitioner, submits that the petitioner has already been in custody for a period of over ten months and the offence alleged carries a maximum sentence of three years. He further submits that, although an amount of Rs. 95,000/- was recovered from the petitioner, the link between the said amount and the present offence is yet to be proved.
4. Mr. Tarang Srivastava, learned Additional Public Prosecutor for the State, opposes the grant of bail, on the ground that the petitioner was the only person identified in the TIP, and that a recovery is made from



him. He also submits that three prior FIRs are pending against the petitioner for offences under Section 379 of Indian Penal Code, 1860, which corresponds to Section 303(2) of BNS.

5. Having heard learned counsel for the parties, I am of the view that the petitioner is liable to be released on bail in the present case. While the *prima facie* material before the Court shows that he was identified in TIP, the identification was limited to the effect that he was present in the e-rickshaw. The Court is cognisant of the fact that the maximum sentence for the offence in question is three years, and the petitioner has already undergone over 10 months in custody. Charges are yet to be framed, and there are eight witnesses cited in the chargesheet. Trial is thus likely to take a substantial period of time.

6. Although Mr. Srivastava is right in pointing out that prior FIRs are also pending against the petitioner for similar offences, however he has not yet been convicted in any of those cases. It is not always the case that pendency of proceedings in itself would result in denying bail to an accused. Reference in this connection may be made to the Supreme Court judgment in *Prabhakar Tewari v. State of Uttar Pradesh and Anr.* [(2020) 11 SCC 648].

7. For the aforesaid reasons, the petitioner is released on bail in connection with FIR No. 80030724/2025, dated 22.03.2025, registered at P.S. Crime Branch, Delhi, subject to furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount, to the satisfaction of the concerned Duty Magistrate/Trial Court, subject to the following conditions:

(a) The petitioner shall ordinarily reside at the address as per prison



records, and shall not change the address without informing the concerned Investigating Officer/ Station House Officer.

- (b) The petitioner shall furnish to the concerned Investigating Officer/ Station House Officer, a mobile number on which he may be contacted at any time and shall ensure that the number is kept active and switched on at all times.
 - (c) The petitioner shall not contact, nor visit, nor offer any inducement, threat, or promise to any of the prosecution witnesses or other persons acquainted with the facts of the case.
 - (d) The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.
 - (e) The applicant shall attend the Trial Court on each and every date of hearing.
 - (f) The petitioner shall report to the concerned police station once a week at 6:00 PM, and will be released, after completion of formalities, within one hour.
8. The bail application stands disposed of in these terms.
9. 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.
10. The order be communicated to the concerned Jail Superintendent for information and necessary compliance.

PRATEEK JALAN, J

FEBRUARY 19, 2026/‘Bhupi’/AD/