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

+ BAIL APPLN. 4323/2025, CRL.M.A. 33470/2025-Exp from filing
the reply filed by I.O.

SMT ANITA

.....Petitioner

Through: Ms. Seema Gupta, Adv.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
the State with SI Kiranpal Singh,
PS.: Subzi Mandi

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

12.03.2026

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1. By virtue of the present application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023¹, the applicant, namely Anita seeks grant of regular bail in proceeding arising out of FIR No.125/2025 dated 16.03.2025 registered at Police Station Subzi Mandi, Delhi under *Sections 109(1)/115(2)/3(5)* of the Bharatiya Nyaya Sanhita, 2023².

2. Since the Status Report filed is not on record, a copy thereof has been handed over, and is taken on record.

3. *Briefly put*, the FIR came to be registered on the statement of the complainant Vicky @ Nikka, who alleged that while playing Holi with his family outside his house on 14.03.2025 at about 4:00PM a verbal

¹ Hereinafter referred to as '**BNSS**'



altercation broke between his family and the accused persons, which soon escalated into physical confrontation, culminating in the alleged fateful incident of firing by the co-accused person Varun and Mohit @ Nanga. The present applicant, along with the co-accused Deepak and Varun, pelted stones at the complainant's family/ party, as a result whereof the complainant and his brother Ravi sustained injuries. Later on, co-accused persons Deepak and Mohit @ Nanga were arrested, who, during interrogation disclosed, their involvement in the alleged offence, whereafter the chargesheet was filed against them.

4. Thereafter, during the course of investigation, the video footage of CCTV cameras installed nearby the place of incident were analysed, wherein the co-accused Mohit @ Nanga was seen carrying pistol in both his hands, while the present applicant along with the other co-accused persons namely Deepak, Kajal, Varun were seen quarrelling with the complainant party, and the co-accused person Varun and Deepak were also seen to be pelting stones upon the complainant's party. Subsequently, on 06.07.2025, the applicant along with other co-accused persons Varun and Kajal were arrested and after investigation, supplementary chargesheet was filed against them.

5. In this backdrop, learned counsel for the applicant submits that *[i]* the applicant has been falsely implicated in the present case and is in custody since 06.07.2025; *[ii]* there is no material whatsoever to connect the applicant with the alleged offence; *[iii]* as per the CCTV footage, the applicant did not do any overt act and is only seen quarrelling with the complainant's family/ party; *[iv]* all the injured were discharged from the

² Hereinafter referred to as '**BNS**'



Hospital on the same day; and that *[v]* the investigation stands concluded and the chargesheet has already been filed and the matter is listed for framing of charge and therefore, no useful purpose would be served by keeping the applicant in continued custody.

6. *Per contra*, learned APP for the State, relying upon the Status Report, opposed the present bail application and submits that *[i]* the offence committed by the applicant along with other co-accused persons is of serious nature; *[ii]* the applicant was previously involved in five other cases, though in four of them she has either been acquitted or the matters have been compromised; and that *[iii]* earlier Non-Bailable Warrants were issued against the applicant and there is strong suspicion that the applicant may jump the bail.

7. Heard learned counsels for parties, and perused documents on record.

8. *Prima facie*, the record discloses that the alleged incident appears to be result of a sudden spat during the course of Holi celebrations, since there is nothing on record to suggest there was any premeditation to commit the alleged offence. Moreover, the role of the applicant, as per the supplementary chargesheet, is only limited to the extent of quarrelling with the complainant's family and she was neither involved in firing or pelting stones. As such, whence as per the Nominal Roll dated 10.12.2025, the applicant is in judicial custody for more than *five months* and her jail conduct has been '*Satisfactory*' and the investigation already stands completed with the charge sheet already filed and the matter is presently listed for framing of charges, this Court does not consider the continued incarceration of the applicant to be necessary.



9. Accordingly, the applicant is granted regular bail in proceeding arising out of FIR No.125/2025 dated 16.03.2025 registered at Police Station Subzi Mandi, Delhi under *Sections 109(1)/115(2)/3(5)* of the BNS. The applicant be released subject to her 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 them, subject to the 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 this Court and shall ordinarily reside at the address as per prison records. If she wishes to change his residential address, he shall immediately intimate about the same to the concerned Jail Superintendent by way of an affidavit.
- ii. Applicant shall surrender her passport, if any, to the IO, within *three days*.
- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
- iv. Applicant shall provide all her mobile numbers to the IO concerned which shall be kept in working condition at all times and setting of mobile location be kept on at all times.
- v. Applicant shall report to the IO at PS.: Subzi Mandi, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
- vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.



10. In view thereof, the present application is allowed and disposed of in the aforesaid terms.

11. Copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance thereof.

12. Needless to say, observations made herein, 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 of the matter.

SAURABH BANERJEE, J

MARCH 12, 2026/bh