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

+ **BAIL APPLN. 4495/2025 & CRL.M.A. 34777/2025**

MAMTA

.....Petitioner

Through: Mr. Kumar Balram, Ms. Arushi Mittal,
Mr. Bhoomit Dabas, Ms. Azola
Firushi, Advocates.

versus

THE STATE (GOVT. OF N C T OF DELHI)Respondent

Through: Mr. Shoaib Haider, APP for the State.
Mr. Sagar Roy, Mr. N.B. Tiwari, Ms.
Sangita Malhotra, Mr. Anubhav, Mr.
Rubina and Mr. Abhishek S.,
Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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12.05.2026

BAIL APPLN. 4495/2025

By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks regular bail in case FIR No.317/2025 dated 17.06.2025 registered under sections 115(2)/333/110/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Alipur, Delhi.

2. Notice on this petition was issued on 24.11.2025.
3. Status report dated 16.12.2025 has been filed on behalf of the State.
4. Nominal roll dated 23.02.2026 has been received from the Jail Superintendent.



5. Learned counsel appearing for the petitioner submits, that as narrated in the subject FIR, the genesis of the matter is a dispute that the complainant had with the petitioner's husband (Deepak) in relation to the repair of her mobile phone.
6. Counsel submits that a perusal of the subject FIR would show that since the petitioner's husband is stated to have lost the phone which was given by the complainant for repair, the parties had a verbal altercations. Learned counsel points-out, that though there are generalised allegations that the petitioner and other members of her family had quarrelled with, and physically assaulted the complainant and the members of her family, there is no specific allegation that the petitioner had committed any act that would amount to the offences alleged in the subject FIR.
7. Furthermore, it is pointed-out that in the status report filed, the Investigating Officer has clarified that out of the 05 injured persons, 03 had sustained grievous injuries, but since no role has been assigned to the petitioner in relation to the allegation of assault or causing any hurt, none of those injuries can be imputed to the petitioner.
8. Counsel submits, that as also narrated in the status report, the petitioner has a 03-year old child, who has been suffering from respiratory tract infection, as verified by the BJRM Hospital, apart from also having been diagnosed with scabies, for which he is being treated at the Children's Wellness Center run by Dr. P.R. Oberoi.
9. Counsel argues, that the petitioner has been in judicial custody since the date of her arrest on 23.10.2025; and has accordingly suffered more than 06 months of judicial custody as an undertrial. Attention is drawn



to the nominal roll of the petitioner to point-out that the petitioner's jail conduct has been 'satisfactory'; and that she has no other criminal involvements.

10. Counsel also submits that co-accused Payal, who is the petitioner's sister, was granted anticipatory bail *vidé* order dated 30.10.2025 passed by a Co-ordinate Bench of this court in BAIL APPLN. No.3856/2025.
11. Counsel also points-out that the petitioner's brother in-law has also lodged a cross FIR No.324/2025 dated 18.06.2025 at P.S.: Alipur, Delhi, against the complainant in relation to the same incident.
12. It is accordingly prayed, that the petitioner be admitted to regular bail during the pendency of the trial.
13. Opposing the grant of bail however, Mr. Shoaib Haider, learned APP for the State submits, that the petitioner was a part of a group of family members, who had trespassed into the complainant's house and some of the persons in the group assaulted the complainant and members of the complainant's family, for which the petitioner would also be liable under section 3(5) of the BNS.
14. Upon a pointed query however, Mr. Haider clarifies, that there is no specific allegation against the petitioner in relation to the offences under sections 115(2) or 110 of the BNS viz., the offences of voluntary causing hurt or attempting to commit culpable homicide not amounting to murder.
15. The court has also heard Mr. N.B. Tiwari, learned counsel for the complainant, who has essentially adopted the submissions made by the learned APP.



16. Upon a conspectus of the facts and circumstances obtaining in the matter, and particularly in view of the fact that no specific incriminating role has been ascribed to the petitioner in the subject FIR; and the fact that the petitioner is the mother of a 03-year old child, who is suffering from serious illness, this court is persuaded to allow the present petition.
17. Accordingly, the petitioner – **Mamta w/o Deepak** – is admitted to *regular bail* pending trial, subject to the following conditions:
 - 17.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Twenty-five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the learned trial court;
 - 17.2. The petitioner shall furnish to the Investigating Officer/S.H.O a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - 17.3. If the petitioner has a passport, she shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
 - 17.4. 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 case. 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; and



- 17.5. In case of any change in her residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
18. Since the petitioner is facing trial and would be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
19. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
20. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
21. The petition stands disposed-of in the above terms.
22. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

MAY 12, 2026/ak