



\$~9

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

+ **BAIL APPLN. 5031/2025**

NADEEM

.....Applicant

Through: Mr. Nitin Singh Kathayat,
Advocate (through VC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasna Bakshi and Mr. Dinesh
Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.03.2026

%

1. By virtue of the present application, under *Section 439* of the Code of Criminal Procedure, 1973 (**Cr.P.C**) read with *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**) the applicant seeks grant of regular bail in FIR no.477/2023 dated 27.06.2023, registered at PS.: Kashmeri Gate, Delhi for the commission of offences punishable under *Sections 395/397/412/482/34* of the Indian Penal Code, 1860 (**IPC**) read with *Sections 25/27/54/59* of the Arms Act, 1959 (**Arms Act**).

2. As per FIR, on 27.06.2023 at daytime the complainant, a wholesale trader, was on his scooty carrying approximately Rs.4,50,000/- cash. He intercepted by two unknown persons on a white scooter, when one of them, threatened the complainant with a pistol-like object, and demanded money. Thereafter, two other associates arrived on a motorcycle, and after



robbing the complainant of the whole cash and forcibly taking away his scooter, fled from the spot.

3. During investigation, based on the CCTV footage of the spot, raids were conducted in the nearby areas and one co-accused, Javed Ahmad was apprehended, who disclosed the identities and involvement of the other co-accused including the present applicant. In fact, Rs.25,000/- and the motorcycle used while committing crime, were both recovered at the instance of the applicant herein.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated as no incriminating material has been recovered from his possession/ instance. The alleged recovery has been planted by the police officials. The applicant is the sole breadwinner of his family and has been in judicial custody since 02.07.2023, thus, his continued incarceration has caused severe financial and personal hardship to his dependents. Further, all co-accused persons have already been granted bail, and therefore, on the principle of parity, the applicant is entitled to the same relief. Lastly, as the chargesheet has already been filed and the matter is presently at the stage of evidence, further custody of the applicant is unwarranted and he be enlarged on bail.

5. *Per contra*, Mr. Satish Kumar, learned APP for the State, relying upon the Status Report, submits that the applicant does not deserve to be released on bail in view of the allegations being serious and grave in nature as also his active involvement in the commission of the said offence. Also, Rs.25,000/- as well as the motorcycle used in the commission of the offence have been recovered at his instance. In fact, the CDR of the applicant's mobile number is stated to place him at the place



of the incident. Further, the applicant has as many as *ten (10)* antecedents of a similar nature, reflecting a consistent *modus operandi*. Lastly, since one of the co-accused, namely Aslam, is absconding, there exists a strong apprehension that, if released on bail, the applicant may also evade the process of law.

6. Heard the learned counsels as also perused the documents on record.

7. Considering the nature and gravity of the accusations levelled against the applicant, the severity of the punishment prescribed in the event of conviction, the active role attributed to the applicant, and in fact, a recovery of a sum of Rs.25,000/- as well as the motorcycle used in the commission of the offence have been effected at the instance of the applicant as also perusal of the Nominal Roll reveals that the applicant is involved in as many as *ten (10)* antecedents of a similar nature and one of the co-accused having absconded, in the considered opinion of this Court there is a likelihood of the applicant repeating the offence, and if granted bail he may flee from justice/ misuse the liberty of bail. Thus, grant of regular bail to the applicant, at this stage, will not be appropriate and is uncalled for. Under the said circumstances the stage and/ or the period of incarceration faced by the applicant cannot come to his aid.

8. As such, the applicant is not entitled to grant of regular bail at this stage in proceedings arising from FIR no.477/2023 dated 27.06.2023, registered at PS.: Kashmeri Gate, Delhi for offences punishable under *Sections 395/397/412/482/34* of the IPC read with *Sections 25/27/54/59* of the Arms Act. As such, the present application is dismissed.



9. Since the expression of opinion, if any, are for the purposes of adjudicating the present application only, they shall have no bearing on the overall merits/ trial involved.

SAURABH BANERJEE, J

MARCH 20, 2026/So/DA