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

+ **BAIL APPLN. 5034/2025**

DEEP ALLIAS ANKIT KUMAR

.....Applicant

Through: Mohd. Arif and Mr. Vaibhav Saini,
Advs.

Versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP with Ms.
Upasana Bakshi and Ms. Divya
Bakshi, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

25.04.2026

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1. The present matter is being taken up today as 03.03.2026 was declared a holiday.
2. By virtue of the present bail application under *Section 483* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in FIR No.142/2022 dated 28.02.2022 registered under *Sections 308/341/34* of the Indian Penal Code, 1860 (**IPC**) at PS: Hauz Khas, Delhi.
3. *Succinctly put*, as per prosecution, on 28.02.2022, upon receiving an intimation, the Police reached the spot, where it was found that the injured person/ victim (**complainant**) had already been shifted and admitted at AIIMS Trauma Centre, Delhi and as per the MLC, the nature of injury, was opined to be '*simple blunt injury*'. As per statement of the complainant, he was intercepted by seven to eight persons, including the



applicant herein and was then assaulted by one of the co-accused by an iron rod whilst others inflicted kicks and punches upon him, after which he was taken to the Hospital by his family members.

4. During investigation, it was revealed that the incident was allegedly linked to prior enmity between the parties arising out of an earlier case, being FIR No.141/2022 registered at PS.: Hauz Khas, Delhi under *Section 302* of the IPC. In fact, though the applicant could not be traced initially, however, he was subsequently arrested on 21.04.2022 in the said FIR and later on formally arrested in the present case as he was identified by the complainant thereof. Upon completion of investigation, charge-sheet has been filed before the learned Trial Court on 30.04.2022 as also the charges have been framed *qua* the applicant on 07.06.2024 under *Sections 308/34* of the IPC and currently the matter is at the stage of prosecution evidence.

5. In the aforesaid backdrop, learned counsel for applicant submits that as no role *qua* the applicant pertains to the use of weapon, and the allegation of assault with an iron rod is attributed to the co-accused as also the injuries are '*simple blunt injury*', as per the judgment of the Hon'ble Supreme Court in ***Maiku & Others vs. State of Uttar Pradesh: AIR 1989 SC 67***, the applicant ought to be granted bail especially *qua* the role attributed by the prosecution. Learned counsel for applicant also submits that the applicant has been in custody for a considerable period and the trial has not progressed, despite the charges being framed. He, thus, submits that the same amounts to pre-trial incarceration as held by the Hon'ble Apex Court in ***Hussainara Khatoon vs. State of Bihar: (1980) 1 SCC 81*** and bail ought to be granted to the applicant, since pre-trial incarceration is in violation of *Article 21* of the Constitution of India.



6. *Per contra*, learned APP for the State, whilst relying upon the Status Report submits that the nature of allegations levelled against the applicant are serious and grave in nature and there are prior criminal antecedents *qua* the applicant. He submits that as per intimation made by the complainant to PS.: Hauz Khas, Delhi, there is a reasonable apprehension of him being influenced and/ or intimidated, if the applicant is released on bail, as the present FIR arises out of prior animosity between the parties. It is under these facts and overall circumstances that the learned APP for the State, prays that the present application ought to be dismissed.

7. Heard.

8. The record reveals that the role attributed to the applicant herein does not pertain to him being the main accused, i.e., inflicting injury upon the complainant with the weapon. More so, the charges were framed against the applicant under *Section 308/34* of the IPC on 07.06.2024, wherein the maximum punishment that can be imposed is *seven years*, out of which the applicant herein has been facing incarceration for an approximate period of *four years*. Further, as on date only the complainant out of *ten (10)* prosecution witnesses has been examined yet, and that too only partly. The above reflects that the trial is most likely to take a significant period of time to conclude.

9. In view of the aforesaid factors, the present application is allowed. The applicant be thus released on regular bail in proceedings arising out of FIR No.142/2022 dated 28.02.2022 registered under *Sections 308/341/34* of the IPC at PS: Hauz Khas, Delhi, upon him furnishing a personal bond in the sum of Rs.25,000/- [*Rupees Twenty Five Thousand Only*] along



with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the concerned Jail Superintendent, 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 he wishes to change his residential address, he shall immediately intimate about the same to the IO by way of an affidavit.
 - ii. Applicant shall surrender his Passport, if any, to the IO, within a period of *three days*.
 - iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all his mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned.
 - v. 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.
 - vi. Applicant shall report to the IO at PS.: Hauz Khas *once* every month in the *first week* of the month unless leave of every such absence is obtained from the learned Trial Court.
10. *Ergo*, the present application is allowed and disposed of in the above terms.
11. Copy of this order be sent to the concerned Jail Superintendent for



information and compliance *forthwith*.

12. The observations expressed hereinabove, if any, being tentative in nature, will not come in the way of any subsequent proceedings, which shall be dealt on their own merits.

SAURABH BANERJEE, J

APRIL 25, 2026/Ab/aks