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

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Date of Decision: 02.02.2026

+ **BAIL APPLN. 444/2026 & CRL.M.A. 3414/2026**

SANJAY MALIK

.....Petitioner

Through: Mr. Ashok Kumar, Advocate

versus

STATE, GOVT. OF NCT, DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Narender Singh, PS
Ambedkar Nagar

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks regular bail in case FIR No. 243/2024 of Police Station C.R. Park for offence under Section 306/3(5) of BNS.
2. Broadly speaking, allegation against the accused/applicant is that he conspired with co-accused persons and joined the house of the complainant *de facto* as a domestic help, after which all of them committed theft of a number of articles and cash from house of the complainant *de facto*. According to prosecution, CCTV installed outside the house of the complainant *de facto* depicts the accused persons, including the accused/applicant walking across the road along with bag carried by each of them.



3. The accused/applicant was arrested on 31.01.2025 and remains in jail. According to the Investigating Officer, 92 stolen articles were recovered from the accused/applicant, out of which, only 5 were identified by the complainant *de facto*.
4. Learned counsel for accused/applicant refers to order dated 12.01.2026 of this Court, whereby co-accused Jagbandhu Malik @ Jagga also was granted bail in similar circumstances.
5. As recorded in the bail order of Jagbandhu Malik, the footage shown on that day (*which is shown by IO today as well*) fails to inspire confidence. For, that is not the footage of CCTV camera, which is a stationary camera; the footage shown on last date as well as today depicts a moving camera. Today for the first time, the Investigating Officer submits that the said moving footage was recorded by the head constable with his mobile phone. But if that be so, one wonders as to why the head constable would not immediately apprehend those boys carrying stolen articles, instead of making a film.
6. During the course of dictation, the Investigating Officer has also tried to explain that the footage shown on last date and today was captured in a mobile phone from the screen depicting the CCTV footage. But on this also, there is no clarity as to why the Investigating Officer would capture CCTV footage from screen and present the same in Court.
7. Moreover, even if that footage is accepted, the same nowhere depicts



faces of anyone; in the said footage, one person alone is seen carrying backpack, after whom another person is seen walking with red bag on his shoulder; there is no connection between these persons and they are like anyone walking across the street. There is no other cogent evidence against the accused/applicant.

8. Considering the overall circumstances mentioned above, I find no reason to deprive the accused/applicant liberty any further.

9. The bail application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court. Pending application also stands disposed of.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

11. Of course, nothing discussed herein shall be read at the stage of final trial to the prejudice of either side.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 02, 2026
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