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

% *Date of Decision: 16.04.2026*

+ **BAIL APPLN. 373/2026 & CRL.M.A. 2897/2026**

MEHBOOB HASSAN

.....Petitioner

Through: Mr. Osama Suhail, Mr. Samma  
Suhail, Ms. Antara Chaudhary and  
Ms. Sanya, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State  
with IO/Inspector Sonu Ram.  
Mr. Shakil Sheikh, Advocate for  
complainant.

**CORAM: JUSTICE GIRISH KATHPALIA**

**JUDGMENT (ORAL)**

1. The accused/applicant seeks anticipatory bail in case FIR No.422/2025 of PS Shaheen Bagh for offence under Section 287/105/106(1)/326(g) of BNS.

2. The status report has not been filed on behalf of State, which conveys an impression that the Investigating Officer is not serious in opposing this



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anticipatory bail application. However, I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/Inspector Sonu Ram.

3. Broadly speaking, prosecution allegation is that the accused/applicant deliberately set a building afire, in which one of the occupants died while the remaining escaped. According to prosecution, one of the floors of that building was occupied by the son of the accused/applicant and his family, who had estranged relations with the accused/applicant because he got married against wishes of the accused/applicant. The accused/applicant is sought to be connected with the alleged incident solely on the basis of CCTV footage of the area, in which footage son of the accused/applicant identified the accused/applicant solely on the basis of gait.

4. Learned counsel for accused/applicant submits that the accused/applicant is embroiled in multiple litigations with his brother arising out of property disputes and son of the accused/applicant is siding with brother of the accused/applicant. It is further submitted by learned counsel for accused/applicant that on account of those multiple disputes, some of which are criminal cases as well, brother and son of the accused/applicant have been getting him implicated in one or the other false case. It is further submitted that one of such cases was a murder case in which ultimately the accused/applicant got acquitted. Further, it is contended that the accused/applicant had no reason to set afire the entire building, just because he had estranged relations with his son and daughter-in-law. Lastly, as per



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learned counsel, the accused/applicant joined investigation subsequent to receipt of notice, which was issued by the Investigating Officer in response to a letter written by the accused/applicant to be called for investigation.

5. Learned APP for State accompanied with Investigating Officer submits that the identity of the accused/applicant is established on the basis of series of CCTV footages depicting his movement from his sister's house at 02:38am to his own house at 02:42am, from where he came out at 04:03am and reached near the spot on his scooty at 04:21am and ultimately at 04:33am, he set the building afire on the ill fated morning. The accused/applicant is also identified on the basis of his clothes and colour of the scooty, as per learned APP. It is contended that the accused/applicant does not deserve anticipatory bail, because his custodial interrogation is required to find out what inflammable substance he took out from his pocket to set the building afire.

6. As regards to the above mentioned trail of the alleged movement of the accused/applicant depicted in different CCTV footages, the Investigating Officer tried to play the alleged footages in the courtroom for more than half an hour, but could not succeed in showing any material as mentioned above. At the most, what is visible in the CCTV footage of 04:33am is a person wearing white *salwar kameez* and some jacket, but no face is visible. The registration number of the scooty or even colour thereof is not visible. Rather, according to the Investigating Officer, at 04:03am when the accused/applicant came out of his house, he was wearing a helmet and his



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face was not visible. The area depicted in that CCTV footage is a lane with houses on both sides. So ultimately, the only basis on which the investigation connects the accused/applicant with the alleged incident is his gait.

7. Further, it would be also significant to note that the CCTV footage of the burning building depicts that first a car parked inside the building caught afire. But for the reasons best known to the Investigating Officer, the said car has not been seized in order to ascertain the cause and genesis of fire. Rather, from the spot, no article was lifted by the Investigating Officer in order to ascertain the cause and genesis of the fire. On this aspect, the Investigating Officer submits that it is the FSL team which had picked some articles and exhibited by them as Ex.1 to Ex.6 and those articles were handed over to him. The seizure memo of those articles names the FSL expert but does not bear signatures of the said expert.

8. I am conscious that while considering the bail applications, such minute appreciation of material on record must be avoided. But in the present case, the discussion is necessitated in view of the peculiar stand of the investigation machinery, which wants to connect the accused/applicant with the alleged offence merely on the basis of gait identified by son and brother of the accused/applicant who are embroiled in multiple litigations with the accused/applicant. Of course, on these aspects, the trial court shall take an independent view on the basis of evidence adduced during trial. The purpose of the above discussion is to decide as to whether there is sufficient



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material collected during investigation, on the basis whereof liberty of the accused/applicant be curtailed.

9. Then comes the question of custodial interrogation. Of course, where the Investigating Officer wants opportunity to carry out custodial interrogation, the court should consider that request. But that is provided the request sounds genuine and not only as a ploy to get the anticipatory bail application dismissed. As mentioned above, it is the accused/applicant who had to write a letter to the Investigating Officer, requesting him to be called for interrogation, after which the Investigating Officer sent the notice and the accused/applicant duly joined investigation. Further, the failure on the part of investigation machinery to file even status report despite opportunity granted on 29.01.2026 would speak volumes against the genuineness of the request. Most importantly, as discussed above, *prima facie* at present there is no material to connect the accused/applicant with the alleged occurrence, so even if custodial interrogation is allowed for recovery of the alleged inflammable substance and clothes, one wonders if correct picture would come out of that exercise.

10. Considering the overall circumstances as described above, I find no reason to deprive the accused/applicant liberty.

11. The present anticipatory bail application is allowed and it is directed that in the event of his arrest, the accused/applicant shall be released on bail, subject to his furnishing a personal bond in the sum of Rs. 20,000/- with one



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surety in the like amount to the satisfaction of the IO/SHO concerned.  
Accompanying application stands disposed of.

12. The accused/applicant shall join investigation as and when directed in writing by the Investigating Officer.

**GIRISH KATHPALIA  
(JUDGE)**

**APRIL 16, 2026/ry**