



2026:DHC:1777



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

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Date of Decision: 27.02.2026

+ **BAIL APPLN. 560/2026**

KASHINATH MALIK

.....Petitioner

Through: Mr. Ashok Kumar Panigrahi,
Advocate

versus

STATE, GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with Investigating Officer/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 PS C.R. Park for offence under Section 306/3(5) of BNS.
2. I have heard learned counsel for accused/applicant and learned APP for State assisted by Investigating Officer/SI Narender Singh.
3. Broadly speaking, according to prosecution case, the accused/applicant conspired with other co-accused persons in order to commit theft in the house of the complainant *de facto*. One of the co-



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accused persons namely Sanjay Malik joined the house of the complainant *de facto* as cook/domestic help and thereafter all accused persons committed theft of a number of articles and cash from that house. Further according to prosecution, CCTV installed outside the house of the complainant *de facto* captured the accused persons walking across the road, each of them carrying a bag.

4. Learned counsel for accused/applicant contends that the accused/applicant is innocent and has been falsely booked. Learned counsel for accused/applicant seeks parity with the co-accused Jagbandhu Malik and Sanjay Malik, who were granted bail by this Court by way of detailed orders.

5. Learned APP for State strongly opposes the bail application on the ground that adopting the same *modus operandi*, the accused persons committed theft at other places also and this trend of joining the house as servant and committing theft must be discouraged.

6. The prosecution has also filed status report dated 16.02.2026, which is unusually lengthy and more in the nature of an appeal against the bail granted to the other accused persons. It is stated in the said report that from CCTV footage, the accused persons were identified and a secret informer informed their addresses of Odisha. Besides that, the status report mentions a number of allegations, which did not form part of the status report in cases of the other accused persons.



7. In response to a specific query, learned APP for State submits that the only evidence against the accused/applicant is his depiction in CCTV footage. No other evidence against the accused/applicant has been collected in the investigation and the accused/applicant is in custody since 05.08.2025.

8. The only evidence brought against the accused/applicant being the alleged CCTV footage, I have examined the analysis thereof in the bail orders of the co-accused persons, copies whereof are Annexures P4 and P5 of the application. It would be apposite to extract the relevant portion of that analysis, which is as follows:

“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.”



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9. Considering the above circumstances, I do not find any reason to deprive further liberty to the accused/applicant. Therefore, the bail application is allowed and 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.
10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.
11. Of course, nothing observed in this order shall be read to the prejudice of either side at the final stage of the trial.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 27, 2026/as