



2026:DHC:2648



\$~67

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

%

Date of Decision: 28.03.2026

+ **BAIL APPLN. 798/2026, CRL.M.A. 6114/2026 & CRL.M.A. 6115/2026**

MALTI DEVI

.....Petitioner

Through: Mr. Vimal Tyagi and Mr. Balaji Pathak, Advocates.

versus

STATE OF NCT DELHI & ANR.

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State with Inspector Vikas Mudgal and Inspector Rajiv Shah, PS Mukherjee Nagar.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. The accused/applicant seeks anticipatory bail in case FIR No. 473/2024 of Police Station Mukherjee Nagar for offence under Section 498A/304B/34 IPC.

2. At the very outset, learned APP for State points out that vide order dated 13.02.2026 of this bench, learned counsel for the accused/applicant had sought permission to withdraw the earlier anticipatory bail (Bail



Application No. 3460/2024) so that the accused/applicant would surrender and seek regular bail. Accordingly, the said anticipatory bail application was dismissed as withdrawn. Thereafter, instead of surrendering, the accused/applicant filed yet another anticipatory bail application, which is the present one and the learned Judge In-charge (Criminal Side) transferred the application to this bench.

3. Learned counsel for accused/applicant submits that the earlier anticipatory bail application was withdrawn by the erstwhile counsel without instructions. But I am unable to believe this submission because there is no reason why a counsel would make false submission of instructions before the court. Besides, admittedly, no action has been taken by the accused/applicant against the erstwhile counsel. It has been repeatedly held that where the litigant does not take any action against the counsel for alleged professional misconduct, the litigant cannot be believed. For, accepting such submission that the previous counsel withdrew the anticipatory bail application without instructions would be tantamount to condemning the previous counsel unheard.

4. Further, it is also tried to be projected that the earlier anticipatory bail application was pending for long time before another bench, so even the present application ought to have been placed before the same bench. But on this point also, I am unable to find any substance. The learned Judge In-charge assigned this application to this bench keeping in mind the previous order dated 13.02.2026. Further, there was not even a whisper of request



2026:DHC:2648



before the learned Judge In-charge that this application be assigned to the other bench. Most importantly, even the earlier application was not finally heard by the other bench. The said earlier application had been received by this bench on transfer from the other bench and it formed part of 179 bail applications that were pending for long time before different benches. In fact, that is the reason on 13.02.2026, the matter was even passed over awaiting the counsel for the accused/applicant instead of adjourning the same.

5. Considering the above circumstances, I find no reason to allow this application. Accordingly, the application is dismissed. Pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

MARCH 28, 2026/dr