



\$~

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

*Reserved on: 18.09.2025*

*Date of Decision: 26.09.2025*

+ BAIL APPLN. 3151/2025

ANUJ @MANOJ

.....Petitioner

Through: Mr. Ishwar Singh, Mr. Gyan Chandra, Mr. Karan Singh and Ms. Rukhsar, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for State with Mr. Aditya Vikram Singh, Adv.

SI Biraj Salvi along with complainant

**CORAM:**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

### **J U D G M E N T**

%

1. This present bail application has been on behalf of the petitioner/applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023<sup>1</sup> for grant of anticipatory bail in case arising out of FIR No. 0292/2025, registered at Police Station - Sarai Rohilla for the offences punishable under Sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023<sup>2</sup>.

---

<sup>1</sup> Hereinafter "BNSS"

<sup>2</sup> Hereinafter "BNS"



### ***Factual Matrix***

2. In the FIR, the injured/complainant alleged that on 07.05.2025 at about 20:15–20:40 hours while he was with his friend Devanand Sharma @ Munna near the Amul Dairy Booth, three unknown boys came, abused and attacked him with knives, causing multiple injuries.

3. He further expressed suspicion against Sagar and Anuj. On the said basis, FIR was registered. On 13.05.2025, one accused namely Ankit Kumar was apprehended. An Apple i-13 mobile phone was recovered from his possession. Analysis of Call Data Records<sup>3</sup> and WhatsApp chats revealed communication between Ankit's phone number and the number issued in the name of Sagar subsequent to the incident.

4. In his disclosure statement, Ankit implicated Sagar and Anuj in the offence. On 04.06.2025, Test Identification Parade<sup>4</sup> proceedings were conducted wherein the complainant correctly identified Ankit Kumar. Subsequently, on 26.06.2025, Non-Bailable Warrants<sup>5</sup> were issued against the absconding accused including Anuj @ Manoj (present applicant).

5. On 30.06.2025, one proclaimed offender/Child in Conflict with Law<sup>6</sup> namely Sumit @ surrendered before the competent authority at Kingsway Camp, was apprehended and sent to OHB-2, Delhi. TIP of the said CCL was conducted on 12.07.2025, in which the complainant correctly identified him.

---

<sup>3</sup> Hereinafter "CDR"

<sup>4</sup> Hereinafter "TIP"

<sup>5</sup> Hereinafter "NBW"

<sup>6</sup> Hereinafter "CCL"



6. Proceedings under Section 84 of the BNSS were initiated on 08.07.2025 against the absconding accused persons including the present applicant. The charge-sheet against Ankit Kumar was filed on 08.08.2025.

7. Meanwhile, the present applicant, Anuj @ Manoj moved an application for anticipatory bail before the Court of the learned ASJ, Tis Hazari, which came to be dismissed *vide* order dated 20.06.2025, noting the grievous nature of injuries and the requirement of custodial interrogation. Thereafter, the present application was filed before this Court.

***Submissions on behalf of the petitioner***

8. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is an innocent person who has been falsely implicated in the instant FIR. It is contended that the petitioner was not present at the spot when the incident occurred and has no connection with the offence in question.

9. The complainant himself has admitted that the actual assailants were unknown persons, and only suspicion has been cast upon the petitioner. It is argued that the complainant, namely Suresh Singh @ Chintu, is a Bad Character<sup>7</sup> of the area and is himself involved in multiple heinous cases under Sections 307, 302, 392 of the Indian Penal Code, 1860<sup>8</sup> and Arms Act, 1959 and there exists a history of rivalry between the complainant and the petitioner.

---

<sup>7</sup> Hereinafter "BC"

<sup>8</sup> Hereinafter "IPC"



**10.** The petitioner further points out that in FIR No. 373/2020, P.S. Bharat Nagar, under Section 307 of the IPC, the complainant Suresh @ Chintu was an accused, whereas the petitioner was the victim. Therefore, the present FIR has been lodged with *mala fide* intention to falsely implicate the petitioner and to settle old scores.

**11.** It is urged that nothing is to be recovered from the petitioner, as the alleged weapon has already been recovered from co-accused persons and others who were arrested. It is further contended that the disclosure of co-accused Ankit Kumar cannot be the sole basis for arresting the petitioner, and that there is no direct evidence against him.

***Submissions on behalf of the State***

**12.** *Per contra*, learned APP appearing on behalf of the State opposed the application and submitted that the allegations against the petitioner are grave and serious. It is contended that the complainant suffered multiple stab injuries, some of which were grievous in nature, as recorded in MLC.

**13.** It is further submitted that accused Ankit Kumar, who was arrested on 13.05.2025, in his disclosure statement categorically implicated the present applicant along with co-accused Sagar as the persons who had directed him to carry out the attack on the complainant. The CCL Sumit @ Lalla, who surrendered on 30.06.2025 and was identified by the complainant in TIP on 12.07.2025, also disclosed that the assault was carried out on the instructions of Sagar and Anuj.



**14.** The prosecution has argued that mobile phone records and WhatsApp chats recovered from accused Ankit Kumar establish that after the incident he remained in constant touch with Sagar, and his disclosures specifically named Anuj as part of the conspiracy.

**15.** It is urged that the petitioner is the key conspirator, and custodial interrogation is necessary to unearth the conspiracy. The State has also placed on record the petitioner's prior involvement in other cases. The previous involvement report shows that the petitioner, Manoj @ Anuj S/o Raj Kumar, has a history of criminal activity, including FIR No. 732/2022, P.S. Bharat Nagar, under Sections 307/341/506/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959.

**16.** It is further pointed out that proceedings under Section 84 of the BNSS were initiated on 08.07.2025 as the petitioner evaded arrest, and that he continues to reside in the same locality as the complainant, thereby creating a serious risk of influencing or threatening the complainant and witnesses. It is submitted that considering the grievous nature of the offence, the petitioner's criminal antecedents, the requirement of custodial interrogation, and the possibility of tampering with evidence or threatening witnesses, no protection ought to be extended to him by way of anticipatory bail.

### ***Analysis and Conclusion***

**17.** Heard learned counsel for the parties and perused the material available on record.



**18.** The power of this Court to grant anticipatory bail is discretionary and must be exercised in accordance with the nature of the allegations, the material on record and the stage of investigation. The primary considerations that weigh with this Court are the gravity and nature of the offence, the material connecting the petitioner to the offence on a *prima facie* basis, the stage of investigation, the danger of tampering with evidence or influencing witnesses, and the antecedents/prior involvement of the accused, if any.

**19.** The prosecution case, in short, is that one accused, Ankit Kumar, was arrested on 13.05.2025 and an Apple i-13 mobile phone was seized from him and analysis of the phone and CDR/WhatsApp material records communications after the incident with a number in the name of Sagar, and Ankit in his disclosure statement implicated Sagar and the present applicant Anuj @ Manoj as persons who directed the assault.

**20.** TIP proceedings identified Ankit (04.06.2025) and another proclaimed offender Sumit @ Lalla (TIP on 12.07.2025) and, on the basis of the investigation, NBWs were issued (26.06.2025), proceedings under Section 84 of the BNSS were initiated (08.07.2025) and a chargesheet was filed against Ankit on 08.08.2025.

**21.** The competing contentions made by the parties must be assessed in the light of the material on record. *First*, the nature and gravity of the allegations are serious. The injured suffered multiple injuries, some of which are recorded in the medical documents as grievous. The crime alleged is not a minor or trivial offence, rather it is a violent assault with knives said to have been inflicted pursuant to



a common plan. The seriousness of the allegation must be weighed heavily in an anticipatory bail exercise.

**22.** *Second*, the record contains material which, at least at this stage, gives rise to reasonable grounds for the belief that the petitioner was involved in the conspiracy. It is not necessary, at the bail stage, to conduct a full-blown appreciation of evidence as would be done at trial but the court must look to whether there is *prima facie* material which connects the accused to the offence and whether custodial interrogation is required. Here the investigation narrative show that Ankit's disclosure named Sagar and Anuj as instigators/directing persons, there are communications on mobile/WhatsApp linking the arrested accused to persons identified by the prosecution, and that TIP identifications and other investigative steps have borne out aspects of the prosecution's version. Those investigative facts, taken together, create a credible and cogent basis for suspecting the petitioner's involvement and for requiring further investigation into the alleged conspiracy.

**23.** *Third*, the prosecution's stated requirement for custodial interrogation is not fanciful or generalized. The police case is that recoveries, including the mobile phone and the weapon used in the offence, remain outstanding in relation to the petitioner and other absconding accused, and that the petitioner kept in touch with the arrested accused through communications after the offence. Where investigative leads point to material recoveries and further disclosures which may only be secured through careful interrogation, courts have recognized that custodial interrogation may be necessary for the



effective conduct of the inquiry. Given the current state of the investigation, which (by the prosecution's own account) remains incomplete because other accused were at large, the prosecution's request for custodial interrogation is a relevant and weighty consideration against grant of anticipatory bail.

**24.** *Fourth*, the conduct of the petitioner during the investigation and the procedural history are relevant. NBWs were issued on 26.06.2025 and proceedings under Section 84 of the BNSS were initiated on 08.07.2025 because the petitioner was evading arrest. This course of conduct, together with the fact that other accused from the same locality surrendered later or were traced, goes against accepting the petitioner's case. Moreover, the record reflects that the present applicant is not a first-time offender but has previous involvement in heinous offences. In particular, he stands recorded as an accused in FIR No. 732/2022, P.S. Bharat Nagar, under Sections 307/341/506/34 of the IPC and Sections 25/27/54/59 of the Arms Act, 1959, which pertains to attempt to murder and allied violent offences involving use of firearms. The nature of the said previous case demonstrates that the petitioner has earlier been involved in grave acts of violence, and this antecedent indicates strongly against grant of anticipatory bail in the present matter where the allegations again concern a brutal armed attack causing grievous injuries.

**25.** *Fifth*, the allegations regarding the complainant's antecedents and the claimed enmity between the parties are matters for trial and for full exploration in due course. Past disputes or the assertion of BC of the complainant do not by themselves obliterate the serious





incriminating material shown on record against the petitioner. While such aspects may be relevant to the ultimate trial, they do not compel the grant of anticipatory bail in circumstances where the prosecution has placed before the Court cogent material and ongoing investigative needs.

**26.** Balancing all the factors, i.e., the gravity of the offence, the nature of injuries sustained, the disclosures of an arrested co-accused implicating the petitioner, the CDR/WhatsApp linking the accused persons after the incident, successful TIP identifications of co-accused, the outstanding recoveries and the need for custodial interrogation to advance the investigation, the issuance of NBWs and initiation of Section 84 of the BNSS proceedings because of the petitioner's absence, this Court is satisfied that the prosecution has demonstrated sufficient cause to refuse anticipatory bail at this stage.

**27.** Accordingly, the anticipatory bail application is dismissed. Pending application(s), if any, stands disposed of.

**28.** It is clarified that the present dismissal is confined to the question of deciding the present anticipatory bail application and that nothing recorded in this judgment shall be treated as a finding on the merits of the case.

**29.** The judgment be uploaded on the website forthwith.

**AJAY DIGPAUL, J.**

**SEPTEMBER 26, 2025/AS/ryp**