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

+ **CRL.M.C. 5698/2025**

ZAFEER ALAM

.....Petitioner

Through: Ms. Deepika Sheoran, Mr. Abhishek
Gahlyan, Advs.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Aman Usman, APP with Ms.
Aditi Swami, Adv with Insp. Sudhir
Rathi, ASI Balraj, PS Narela Ind.
Area.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **19.08.2025**

CRL.M.A. 24421/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 5698/2025

1. This is a petition under Section 483 (3) BNSS, filed on behalf of the complainant/petitioner for cancellation of bail granted to Respondent No. 2 Manish by learned Sessions Court in Bail Application No. 891/2025 in case FIR No. 193/2025, PS Narela Industrial Area, under Section 436/457/380 & 34 IPC.
2. Learned Sessions Court, while taking note of the fact that investigation is complete and charge sheet has already been filed in court as



also the fact that respondent No. 2 was in custody since 13.03.2025, granted bail to respondent No. 2, subject to conditions, including the condition that he shall not threaten the prosecution witnesses in any manner or tamper with the evidence or indulge in any other criminal activity in future.

3. Learned counsel, appearing for the petitioner, submits that respondent No. 2 has violated the bail condition. It is stated that since after his release, respondent No. 2 and his co-accused have created an atmosphere of fear in the colony, issuing threats to the petitioner by posting pictures with weapons. She submits that co-accused Gaurav can clearly be witnessed in front of the residence of the petitioner on 12.06.2025.

4. Learned counsel further submits that respondent No. 2 continuously intimidated the complainant and her family with knives and other deadly weapons, thereby endangering their safety. She further states that respondent No. 2 has a strong motive and personal animosity against the petitioner as a close associate/henchman of respondent No. 2 was killed in an incident wherein the petitioner's son and his friends were attacked by the associates of respondent No. 2. The background of such enmity is a reason for respondent No. 2 to seek vengeance against the petitioner and his family.

5. Learned counsel further submits that respondent No. 2 and his henchmen celebrated their release on bail by uploading their videos and status messages on social media, flaunting lethal weapons and issuing veiled threats to the complainant in brazen disregard for the rule of law.

6. The application has been opposed by the learned APP, submitting that petitioner neither filed any application before the Sessions Court for cancellation of bail nor made any complaint of threat or criminal intimidation after the grant of bail, and therefore, the allegations are



unsubstantiated.

7. Rejection of bail in a non-bailable case at an initial stage and cancellation of bail already granted have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted. Generally speaking, the grounds for cancellation of bail broadly are interference or attempt to interfere with due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of concession granted to the accused in any manner.

8. The argument that respondent No. 2 or his associates celebrated their release on bail by uploading the videos and status messages on social media platform cannot be the ground for cancellation of bail without there being any specific threat or intimidation extended to the petitioner. Some screen-shots posted on the social media have been placed on record (Annexure 9 & 10), but it is not getting visible from the said screen-shots as to whether they have been posted by respondent No. 2 with a view to intimidate the complainant. The bail of respondent No. 2 cannot be cancelled merely because one of the co-accused was witnessed in front of the residence of petitioner on 12.06.2025.

9. Admittedly, no complaint has been made to the police regarding any threats having been extended by respondent No. 2. In the absence of any complaint being made to the police, the allegations of threat are not substantiated. Therefore, that being so, there is no material on record to substantiate the allegations of threats extended by respondent No. 2. The Court thus finds no justified reason for cancellation of bail of respondent No. 2.



10. There is no merit in the petition. The same is therefore dismissed.

RAVINDER DUDEJA, J.

AUGUST 19, 2025

RM