

Md Nehal vs State Of Nct Of Delhi on 6 February, 2025

Author: Sanjeev Narula

Bench: Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 17/2025
MD NEHAL

STATE OF NCT OF DELHI
Through:

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BAIL APPLN. 18/2025
MD JAMAL AHMED

STATE OF NCT OF DELHI
Through:

BAIL APPLN. 17/2025 & BAIL APPLN. 18/2025

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CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA
ORDER

% 06.02.2025

1. The present applications are filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,¹ seek grant of anticipatory bail in connection with FIR No. 1366/2024 dated 14th December, 2024, registered at Police Station Sadar Bazar, under Sections 115(2), 333, 351(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.²
2. The aforementioned FIR has been registered on the complaint made by one Mohammad, who alleged that on 13th December, 2024, at approximately 06:30 PM, the Applicants, along with other persons, had entered the Complainant's premises at Anaj Mandi, Sadar Bazar, Delhi and assaulted him and his relatives, and issued threats over an old rivalry regarding a Madrasa dispute.
3. On 08th January, 2025, this Court had directed the Applicants to appear before the Investigating Officer.³ Pursuant to the aforementioned directions, the Applicants have appeared before the IO and are cooperating in the investigation.
4. The offences invoked against the Applicants are bailable, except for Section 333 BNS. Mr. Vivek Sood, Senior Counsel for the Applicants, states that the Applicants have been falsely implicated and that the allegations against them are concocted, arising from personal enmity. He submits that the dispute between the parties is essentially civil in nature, which has been "BNSS"

"BNS"

"IO"

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5. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 CrPC, is rooted in Article 21 of the Constitution, which guarantees personal liberty. This calls for a liberal interpretation of the provision, upholding the fundamental principle that every individual is presumed innocent until proven guilty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and is entitled to the presumption of innocence.⁴ The Applicants have no prior criminal antecedents and have joined the investigation. Furthermore, as per the medical report, the injuries allegedly inflicted by the Applicants are simple in nature. While the arguments put forth by the Applicants will be considered during the investigation, considering the facts of the case, the Court is of the opinion that the custodial interrogation is not required. In light of these

circumstances, the Court is inclined to allow the Applicants' request for anticipatory bail.

6. In view of the foregoing, the applications are allowed. The Applicants, in the event of arrest, are directed to be released on bail on furnishing a bail bond for a sum of INR 50,000/- each with one surety each of the like amount subject to the satisfaction of the concerned SHO, on the Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.

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- a. The Applicants shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicants shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicants shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicants shall give their mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;

7. In the event of there being any FIR/DD entry/ complaint lodged against the Applicants, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

8. It is clarified that any observations made in the present order are for the purpose of deciding the present bail applications and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the cases.

9. The applications are allowed in the afore-mentioned terms.

SANJEEV NARULA, J FEBRUARY 6, 2025 d.negi This is a digitally signed order.

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