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

CNR No. DLHC010446262026

+ **BAIL APPLN. 3935/2026 & CRL.M.(BAIL) 1792/2026**

SARVESH KUMAR TIWARI

.....Petitioner

Through: **Mr. Himanshu Gautam, Advocate.**

versus

STATE OF GOVT OF NCT OF DELHI

.....Respondent

Through: **Mr. Amol Sinha, ASC along with SI
Gaurav Kumar.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.09.2026**

CRL.M.A. 29131/2026 (Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 3935/2026 & CRL.M.(BAIL) 1792/2026

1. The present application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure, 1973 ['CrPC']), seeking anticipatory bail in connection with FIR No. 167/2025, registered at Police Station Paschim Vihar (East), Delhi, for the offences punishable under Sections 103(1)/61(2)/318(3)/4/49/249A/238A/336(3)/340(2)/111 of the Bharatiya Nyaya Sanhita, 2023 ['BNS'], and Sections 25/27(3)/29B of the Arms Act, 1959.



2. Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated. It is contended that, except the disclosure statement of the co-accused, Akash Mishra, recorded during interrogation, there is no other material establishing the applicant's involvement in assisting the two shooters; and that no notice was ever served upon the applicant for his appearance before the concerned investigating agency.

3. The submissions are strongly opposed by Mr. Amol Sinha, ASC for the State, who contends that the applicant is evading his arrest, and that, on account thereof, proceedings for the issuance of non-bailable warrants have already been initiated, and such warrants have been issued. It is further submitted that the offence is grave, and that the custodial interrogation of the applicant is required.

4. I have considered the submissions made by counsel appearing for the parties and have perused the record.

5. Without going into the question whether notice was, or was not, served upon the applicant for his appearance by the concerned police, the application has been considered on its own merits. The part of the disclosure statement of the co-accused, Akash Mishra, which has been placed on record, is extracted as under:

“Over the past 2-3 months, my conversations with Ankush had increased, and during this period Ankush called me and told me that Kapil Sangwan @ Nandu and Vanket Garg are planning a murder in Delhi, and that after the murder, the responsibility of hiding the shooters, getting them out of India, and providing them financial help would be mine. He got this confirmed with me through Kapil Sangwan @ Nandu and Vanket Garg as well, who said that if I help them now, they too would help me in future whenever I needed their help. I agreed to this. On 11/04/25, I received a call from Ankush, and he told me that the Delhi job was done, and that the shooters would now meet me in Lucknow.



On 12/04/25, I again received a call from Ankush Banondi, saying that he had received information from Kapil Sangwan @ Nandu and Vanket Garg that all four shooters had been split into two pairs, and that people would meet me in Lucknow. Two of these shooters, Shubham and Shokeen, were currently staying at Hotel Pacific Inn in Lucknow under fake IDs in the names of Vivek Sharma and Harsh Dalal, and they needed to fly to UAE the very next day, and these people urgently needed money. I said that I was currently short of money, so my friend Ankush said he would send money.

Then I told my younger brother Anuraag Mishra the whole matter and involved him in this work. He got the account number of his friend Shiva's friend Ronak, into which Ankush transferred Rs. 1,98,000/-. I got this money withdrawn and told the whole matter to my acquaintance Rahul Bajpai, saying that my acquaintances Shubham Sharma and Shokeen needed to be given money, and I gave him the hotel's address. Out of this money, a total of Rs. 1 lakh was converted into UAE currency, and Rs. 45,000/- in Indian currency was sent by me to Rahul Bajpai. Rahul Bajpai, as directed by me, went to Hotel Pacific Inn in his Eco Sports car, registration no. UP 65 DX 7249, and gave the money to Shubham Sharma and Shokeen outside the hotel. The next day, on Ankush's instructions, I again sent Rs. 25,000/- from Shiva to Rahul Bajpai's account, and Rs. 60,000/- was deposited into another account given by Rahul Bajpai, which Rahul Bajpai withdrew from an ATM and again went to his Eco Sports car and delivered the money to the same persons, Shubham and Shokeen, at Hotel Lemon Tree.

Apart from this, I also helped two other shooters flee and hide. On the instructions of Kapil Sangwan @ Nandu and Venkat Garg, I myself helped the other two shooters, Tarun @ Tarunjeet and Suraj, whom I met in Prayagraj, whom I first lodged at Mojis Hotel, Prayagraj, and then on 14/04/25 at AJS Hotel, Naini, Prayagraj. At AJS Hotel, I sent my brother Anurag Mishra along with the shooters. I myself gave them Rs. 2 lakhs. I told them that he (Anurag) had helped them on the instructions of Venkat Garg and Kapil Sangwan. After Shubham and Shokeen were caught, I got Tarun @ Tarunjeet and Suraj lodged with my acquaintance Subhash's relatives in Chitrakoot, where these people stayed for 6-7 days. After this, the police arrested me. I told them that I had taken the mobile phones used by Tarun @ Tarunjeet and Suraj in the crime, as well as their personal mobile phones, from them, and had thrown them into the Ganga river so that no evidence could be found. My brother Anurag Mishra has been helping me hide all these accused in this entire matter. It was my brother Anurag who took Tarun @ Tarunjeet and Suraj along with Subhash to Chitrakoot. Rahul Bajpai is my acquaintance, and on my instructions only, Rahul Bajpai provided financial and other help to Shubham Sharma and Shokeen. We have a lot of influence/standing in our area. On the request



of my friend Ankush, I planned along with Kapil Sangwan and Venkat Garg and supported the accused who had fled after the murder, and also helped them hide and provided financial help. I made a mistake; I may be forgiven.”

6. Counsel for the applicant has additionally submitted that the charge-sheet filed against the co-accused persons would not, by itself, establish the guilt of the applicant. At the threshold, however, it is to be noticed that, in ***Salochana Pardi v. State of Madhya Pradesh***,¹ the Supreme Court has held that anticipatory bail is an exceptional relief, and that merely because a charge-sheet has been filed against the co-accused, the same does not justify the grant of anticipatory bail to an accused against whom the investigation is still in progress.

7. As regards the involvement of the applicant, the Additional Sessions Judge-05 (West), Tis Hazari Courts, Delhi, in the order dated 27.07.2026, whereby the anticipatory bail application of the applicant came to be dismissed, has, in paragraph nos. 6 and 7, taken note of the following incriminating circumstances, which are extracted as under:

“6. It is further mentioned in the reply that mobile phone of the applicant/accused is yet to be recovered and technical investigation is yet to be conducted after getting the details of mobile phone of the applicant. The case is at initial stage and charge sheet against the applicant is yet to be submitted. The gang is still very much active and the spate of murders and extortion calls is not stopping. Further investigation in the present case is under progress. Other co-accused persons namely Anurag Mishra, Vanket Garg, Ankush Banondi and Kapil Sangwan are yet to be arrested to establish the entire chain of the present crime.

7. IO further submitted that NBWs have already been issued against the applicant/accused and several notices were issued against the applicant/accused to join the investigation but he did not join the same. Co-accused persons Akash Mishra and Anurag Mishra with the help of applicant/accused Sarvesh Tiwari @ Subhash hide the other two shooters

¹Salochana Pardi v. State of Madhya Pradesh & Anr., Criminal Appeal No. 000058/2026 (Arising out of SLP (CRL.) No. 18200 of 2025).



namely Taran @ Taranjeet and Suraj in the house of relative of applicant/accused Subhash at Chitrakoot UP, wherein both these shooters stayed for 6-7 days and all necessary requirements was fulfilled by Anurag Mishra and the applicant/accused. Both the shooters were facilitated by the applicant in his own Mahindra Thar Car, black colour, which is yet to be recovered. Co-accused Akash Mishra disclosed the name of applicant/accused in his disclosure statement. Mobile phone of the applicant/accused is yet to be recovered and investigation to collect further evidence against him is yet to be pending. Supplementary charge sheet qua the applicant/accused is yet to be filed. Many other co-accused persons are still absconded.”

8. It is, thus, evident that the investigation *qua* the applicant is at an initial stage and is yet to be concluded; that the mobile phone of the applicant, as well as the vehicle allegedly used by him in facilitating the shooters, are yet to be recovered; and that several of the co-accused persons are still absconding. The material on record, including the disclosure statement of the co-accused, *prima facie* indicates the involvement of the applicant in harbouring and facilitating two of the shooters. While considering an application for bail, the Court is to have regard to the factors enumerated by the Supreme Court in **Prasanta Kumar Sarkar v. Ashis Chatterjee**,² including the existence of a *prima facie* or reasonable ground to believe that the accused has committed the offence, and the nature and gravity of the accusation; and, as held in **Mahipal v. Rajesh Kumar**,³ the power to grant bail, though wide, is to be exercised judiciously, having regard to whether a *prima facie* case exists and whether the grant of bail is likely to obstruct the course of justice.

9. Bearing in mind the overall facts and circumstances of the case, the gravity of the offence, the *prima facie* involvement of the applicant, and the fact that the investigation *qua* the applicant is yet to be concluded and

² (2010) 14 SCC 496.

³ (2020) 2 SCC 118.



requires his custodial interrogation, the applicant is not found entitled to the grant of anticipatory bail.

10. The application is, accordingly, rejected.

11. The pending application also stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 18, 2026

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