

**IN THE COURT OF SHRI RAVI, JUDICIAL MAGISTRATE FIRST CLASS-  
07, PATIALA HOUSE COURTS NEW DELHI DISTRICT: NEW DELHI**

**State Vs. Nitish Kumar & Ors**  
**FIR No. 76/2026**  
**PS: Vasant Kunj North**  
**U/s: 221/121(1)/132/3(5) BNS**

**Sh. Ravi**  
Judicial Magistrate, First Class-07  
06, Ground Floor, Main Building,  
Patiala House Court,  
New Delhi

**01.03:2026**

**Present:** Sh. Kartikey Sharma, Ld. APP for the State.  
Sh. Abhik Chimni, Ms. Pranjal Abrol, Ms. Moksha Sharma,  
Ms. Sneha P Mandal, Sh. Sidharth Tulsi Ganeshan and Sh.  
Ayush Shrivastava, Ld counsels for the accused persons  
IO/Sub Insp. Vinay Kumar in person alongwith case  
file.

**ORDER**

1. By this common order, this court shall decide the application moved on behalf of the accused persons seeking their release from judicial custody pending verification of bail/surety bonds, in terms of the bail order dated 27.02.2026 passed by Ld. JMFC-02, PHC, NDD.
2. It is not in dispute that vide detailed order dated 27.02.2026, all the accused persons in the present FIR were admitted to bail on merits in the sum of Rs. 25,000/- with one surety in the like amount, subject to certain conditions. Condition (f) of the said order provides that the accused persons shall be released only after



verification of their permanent address, in view of the fact that some of the accused had initially not disclosed their correct identity/particulars and had not nominated any family member or friend to receive information of their arrest. It is also on record that since bail bonds could not be furnished and verified on the date of the bail order, the accused persons were remanded to judicial custody for 14 days, with a direction that they be produced before the concerned Court on 13.03.2026.

3. Subsequently, an application was moved on behalf of accused persons for their immediate release without insisting on prior verification of their permanent address, pointing out that they are residents from across India and that outstation verification would necessarily consume some time.
4. Vide order dated 28.02.2026, after noticing that the applicant was indirectly seeking modification of condition (f) of the bail order dated 27.02.2026, the court of Ld. JMFC-02, PHC, NDD considered it appropriate to seek response from the State/Investigating Agency and directed the SHO, PS Vasant Kunj (North) to expedite the verification process and to file the verification report on 03.03.2026, also permitting electronic and university record-based verification. Thereafter, a common application has been filed on behalf of the accused persons praying that they be released from judicial custody forthwith, pending verification of their bail/surety bonds, as they are students and



continued incarceration solely on account of administrative/verification delay would amount to a travesty of justice. The said application has been opposed by the Investigating Officer by way of a common reply, wherein it is prayed that the application seeking immediate release be dismissed/kept pending till completion of verification.

5. Ld. Counsel for the accused persons submits that:

(a) The Court has already exercised its judicial discretion and granted bail on merits by a speaking order dated 27.02.2026, after considering the nature of allegations, the fact that the accused are students, and that the offences are punishable with a maximum of five years' imprisonment.

(b) The requirement of verification of permanent addresses and surety bonds is essentially a procedural/administrative step to ensure the presence of the accused during trial and does not go to the root of the order granting bail.

(c) Most of the accused persons are outstation students residing in university hostels; verification of their permanent, native addresses in different States is likely to take some time despite due diligence by the police, and the accused cannot be kept behind bars indefinitely only because the police machinery requires time to verify sureties.

(d) Once the Court has found the accused entitled to bail on merits, their continued confinement in judicial custody merely due to dependency of verification, particularly when they are young students



with academic careers, would defeat the very purpose of the bail order and amount to an unjust curtailment of their liberty.

(e) Reliance is placed on the judgment of the Hon'ble High Court of Delhi in *Sujit Kumar Singh v. Director General of Prisons, W.P. (Crl.) 748/2024*, decided on 04.03.2024, wherein it has been observed that unlawful delay in release of accused/convicts/undertrials despite grant of bail infringes their right to liberty, and that verification of surety bonds must be ensured within strict timelines so that the purpose of bail/interim bail is not frustrated.

(f) It is argued that appropriate safeguards/conditions may be imposed to secure the presence of the accused and to ensure their cooperation in the verification process, but their physical detention cannot be justified once the Court has already held them entitled to bail on merits.

6. On the other hand, the IO, in his common reply, has submitted inter alia that:

(a) The accused persons are outstation students and police staff has already been deputed to verify their permanent address.

(b) The Fixed Deposit of Rs. 25,000/- submitted as surety is yet to be verified from the concerned bank, which could not be done due to the bank being closed on a half-day holiday.

(c) It is reported that the accused is also involved in offences of similar nature, and therefore thorough verification of his credentials

is necessary.



(d) Verification of the permanent address and surety is essential in the interest of justice to ensure the presence of the accused before the Court during trial; if released without proper verification, there is a likelihood of violation of bail conditions and abscondence. Accordingly, it is prayed that the application be dismissed/kept pending till completion of verification.

7. This court has considered the rival submissions and perused the record, including: (i) the bail order dated 27.02.2026; (ii) the order dated 28.02.2026; (iii) the common application of the accused; (iv) the reply of the IO; and (v) the judgment of the Hon'ble High Court of Delhi in *Sujit Kumar Singh v. Director General of Prisons, W.P. (Crl.) 748/2024*.

8. At the outset, it needs to be emphasized that the liberty of an undertrial prisoner, after a competent Court has already admitted him to bail on merits, stands on a different footing from that of an undertrial whose bail application is yet to be adjudicated. In the present case, this Court, vide order dated 27.02.2026, after taking note of the seriousness of allegations (including injuries to police personnel and prior FIRs), has nevertheless held that the accused persons, being students and not habitual offenders and facing offences punishable up to a maximum of five years, deserve to be enlarged on bail, subject to appropriate conditions. The subsequent condition that the accused persons shall be released only after verification of their permanent address (condition (f)) was



prompted by a specific factual circumstance, namely, that some accused had initially concealed or misstated their identity and had not nominated any family member or friend for information of arrest, and one accused disclosed his actual name/parentage in open Court at a later stage. This rightly raised a legitimate concern regarding the correctness of particulars and the need for verification. However, **once the Court has reached a considered conclusion that the accused deserve bail on merits, the verification of their addresses and surety bonds, though important, is essentially a step to secure the efficacy of the bail order and to ensure future presence and compliance with conditions. It is procedural in nature and cannot be allowed to operate in such a manner that the accused continue to remain in custody for an unduly long period for reasons not attributable to them, particularly where they have already furnished bail bonds and are willing to submit to additional safeguards.**

9. The Hon'ble High Court of Delhi in ***Sujit Kumar Singh v. Director General of Prisons, W.P.(Crl.) 748/2024***, has lucidly observed that unlawful delay in release of accused/convicts/undertrial prisoners despite being admitted to bail needs to be addressed as it touches upon their right to liberty, and that the very purpose of interim bail/bail stands frustrated if substantial time is consumed for verification of sureties without factoring the exigencies and timelines. The High Court has further emphasized that after a bail order is passed, the State is duty-bound to ensure smooth and expeditious release of the prisoner, and that verification of local



surety bonds must be carried out within strict timelines, preferably by the next day. Although the said judgment pertained to verification of surety bonds by jail authorities and police after grant of interim bail, **the underlying constitutional principle is clearly that procedural formalities cannot be so protracted as to render the judicial order of bail illusory.** The right to personal liberty under Article 21 of the Constitution does not countenance avoidable and disproportionate detention of an undertrial who has been judicially found entitled to bail but is nonetheless confined solely because the administrative process of verification is lagging.

10. In the case at hand, the accused persons are stated to be students of a central university. Their residential status is partly rooted in hostel accommodation within the campus, and their permanent homes lie in distant States. The record shows that steps for verification of addresses/sureties have been initiated and that outstation verification is underway. The IO himself admits that the delay, inter alia, is on account of travel to outstation area and the bank being closed on a half-day holiday, and not due to any non-cooperation by the accused or their sureties. The concern of the investigating agency that there exists a risk of abscondence or repetition of similar acts cannot be brushed aside. At the same time, such concern must be balanced against the explicit judicial determination granting bail, the principle that pre-trial detention is not punitive, and the fact that appropriate conditions can sufficiently mitigate the apprehensions of the prosecution. **The law has consistently recognized that the object of bail is to secure the**



presence of the accused at trial, not to inflict pre-emptive punishment.

11. It is also significant that in the order dated 28.02.2026, while directing reply from the State, the Court has already directed the SHO to expedite verification, including through electronic means and verification via university records, thereby acknowledging the need for a time-bound approach to verification. In such a situation, continuing the custody of the accused solely because the external machinery has not yet completed its task, despite the accused having fulfilled their part by furnishing bonds, would, in the considered view of court, be disproportionate and contrary to the spirit of the bail order dated 27.02.2026. In *Sujit Kumar Singh v. Director General of Prisons, W.P.(Crl.) 748/2024*, the High Court noted that substantial delay in verification of surety bonds (to the extent of nearly two weeks) had frustrated the very purpose of interim bail and directed the Commissioner of Police, Delhi, to ensure that local surety bonds are verified within strict timelines. The present matter, though at an early stage in terms of dates, raises a similar structural concern: **if outstation verification is permitted to dictate continued incarceration without outer limits or alternate safeguards, the grant of bail may effectively become illusory for all outstation students and undertrials.**

12. Having regard to the totality of facts, the following points emerge:



(i) Bail has already been granted on merits to all accused persons by a reasoned order.

(ii) The accused persons are primarily young students with no finding of habitual criminality; their academic careers would suffer if they remain confined after grant of bail, especially in a case arising out of protest activity.

(iii) Verification of surety bonds and addresses, though necessary, is in progress and some delay is inevitable given the outstation nature of residences and bank formalities.

(iv) There is no assertion that the accused or their sureties are obstructing or impeding the verification process.

(v) Adequate safeguards can be devised to ensure that, pending completion of verification, the accused remain within the reach of law, are traceable, and cooperate with investigation/verification.

13. In these circumstances, this court is of the view that **the ends of justice would be met by permitting the release of the accused persons from judicial custody pending verification of their bail/surety bonds, but subject to stringent and carefully crafted conditions to address the concerns raised by the prosecution. This balances the fundamental right to liberty of the accused with the legitimate interest of the State in ensuring their presence at trial and the integrity of the verification process.**



14. Accordingly, **the common application filed on behalf of the accused persons is allowed**, and it is directed that the accused persons, who have already been admitted to bail vide order dated 27.02.2026, shall be released from judicial custody forthwith, even if verification of their permanent addresses/surety bonds is not yet complete, subject to compliance with the conditions mentioned below.

(i) The release shall be subject to the bail terms already imposed in order dated 27.02.2026, namely conditions (a) to (e), which shall continue to operate in full force.

**(ii) Condition (f) of the order dated 27.02.2026 shall stand modified to the extent that verification of permanent address/surety bonds shall be carried out expeditiously in terms of this order, but such verification shall no longer operate as a pre-condition to the actual release of the accused persons from judicial custody.**

(iii) Each accused shall, after release, file a written undertaking before the SHO/IO:

(a) specifying his/her permanent address and present hostel/residential address, along with mobile number and e-mail ID;

(b) undertaking to inform the IO and the Court in writing in case of any change in residence or contact details at least three days in advance;

(c) undertaking to cooperate fully with the police for verification of address and surety, including appearing before



any police station/office in Delhi or at the place of permanent residence, if so directed with reasonable prior notice.

(iv) The accused persons shall not participate in, organize, or lead any assembly/protest in or around the campus or elsewhere which is in violation of law or any prohibitory order and shall strictly maintain peace and good behaviour while on bail. This condition is without prejudice to their lawful right to peaceful and legal expression within the bounds of law.

(v) The IO/SHO shall ensure that verification of the permanent addresses of all accused persons and verification of the surety bonds/FDs is completed at the earliest and, in any event, preferably within 10 days from today, adopting electronic means/telephonic verification and liaising with local police and concerned banks as observed in the order dated 28.02.2026

(vi) The IO/SHO shall file a consolidated verification report before the concerned Court on or before the NDOH, clearly indicating whether each accused and surety has been found verified or if any discrepancy has emerged.

(vii) In case any accused is found to have furnished incorrect particulars, or if any of the above conditions is violated, it shall be open to the Investigating Agency/State to move an appropriate application for cancellation/modification of bail and/or for imposition of further conditions; and the Court shall consider such application on its own merits, uninfluenced by this order.

(viii) It is clarified that this order only relaxes the timing of the verification requirement so as not to delay release after grant of bail



and does not dilute the power/duty of the State to verify the sureties and addresses in accordance with law. The Superintendent, concerned Jail is directed to release the accused persons forthwith, upon receipt of copy of this order.

15. Copy of this order be given dasti to Ld. Counsel for the accused and be sent to the concerned Jail Superintendent by electronic mode as well. The copy fo the reply of the IO to the present application be sent alongwith this order for verification of the identitiy of the accused persons and their parentage. Application is accordingly disposed of.



*sd*

(RAVI)

Duty IMFC/PHC/ND/01.03.2026

Judicial Magistrate, First Class-07  
06, Ground Flor, Main Building  
Patiala House Courts  
New Delhi