

**Bail Matters 169/2026  
YOGESH Vs. STATE  
35/2026 (Janak Puri)**

**28.02.2026**

**Today undersigned is working as Duty JMFC.**

Present: Sh. Manish Sidhawat, Ld. Addl. PP for the State.  
Sh. Dhruv Sharma and Sh. Sarvagya Srivatshva, Ld.  
counsel for applicant / accused.

1. This is an application for grant of bail moved on behalf of applicant/accused Yogesh S/o Ram Kishore. Ld counsel for applicant has argued that the applicant belongs to a poor labour class family. That his father being a marginal farmer is under financial distress. That the applicant had no intention or knowledge to attract the offence under Section 105 BNS and that his role is being exaggerated. That the applicant / accused duly informed his employer / sub-contractor Rajesh after the incident. That the incident occurred due to gross failure of appropriate authorities and contractor / sub-contractor and the applicant cannot be made a scapegoat. That the applicant has no criminal antecedents and is not a flight risk. That the applicant has deep roots in society and undertakes to abide by all the conditions imposed by the Court. It is further argued that the main culprit / contractor has been granted anticipatory bail by Hon'ble Supreme Court of India.

2. Per contra, Ld Addl. PP for State while addressing arguments, assisted by the investigating officer / SHO PS

Janakpuri and Ld counsels for complainant vehemently opposed the bail application submitting that the investigation is at a nascent stage. That the conduct of the applicant after the incident demonstrates a deliberate attempt to tamper with evidence, which is corroborated by the CCTV footage seized during the investigation. That there exists a real and substantial apprehension that if released on bail, applicant may influence witnesses i.e. the security guard or other site related persons and may further hamper the course of investigation.

3. Reply filed to this application is also seen / perused.

4. As per the prosecution case, a tragic and avoidable incident occurred wherein a young man namely Kamal Dhayani aged about 25 years fell into an uncovered pit approximately 15ft deep, resulting in his death. The pit was allegedly dug at a work site without any barricading, warning sign or other protective measures. The applicant herein is stated to be a labourer employed at the site at the instance of the sub-contractor Rajesh. It is the case of the prosecution that after the deceased fell into the pit, the applicant herein was informed about the incident by a witness / security guard present at the spot. Despite having such knowledge, the applicant did not make any attempt to rescue the victim nor he did alert emergency services or seek immediately medical aid. Instead as alleged, the applicant contacted his employer / sub-contractor Rajesh and further attempted to conceal the site by placing barricades and curtains, which

allegedly were not present prior to the incident. It is argued that the bail application shall be dismissed.

5. Heard. The Court has given its anxious consideration to the rival submissions and perused the record.

6. At the outset, the Court is conscious of the settled principle that bail is the rule and jail is an exception. However, such principle is not absolute and must yield where the nature of allegations, conduct of the accused and the impact on investigation demand judicial restraint.

7. The incident in question involves the loss of a young human life, not due to an act of nature, but allegedly owing to sheer apathy, omission, and post-incident concealment. What deeply troubles the conscience of this Court at this stage is not merely the existence of an uncovered pit but the alleged conduct of the applicant after being informed that a human being had fallen into it. Prima facie, the material indicates that instead of raising alarm, seeking help, or making any sincere effort to save the victim, the applicant prioritised informing his employer and subsequently attempted to cover the site, thereby creating an impression of conscious suppression rather than helplessness. Human conduct in moments of crisis often reveals the true moral compass of responsibility, the allegations herein, supported at this stage by CCTV footage, depict a conduct that cannot be brushed aside.

8. The Court is also unable to ignore that the same act of alleged post-incident barricading, which forms part of the prosecution case, directly supports the apprehension of the State regarding tampering of evidence. When such conduct is alleged to have already occurred prior to arrest, the Court must exercise heightened caution while considering release on bail during ongoing investigation. While the personal circumstances of the applicant, including his economic background and lack of criminal antecedents, do deserve empathy, compassion cannot eclipse caution where the allegations disclose a prima facie conscious omission coupled with subsequent concealment. The dignity of human life and the integrity of investigation demand that such matters be examined without interference.

9. At this stage, when the investigation is still unfolding and witnesses are yet to be examined, this Court is of the considered opinion that grant of bail may adversely affect the fair and free course of investigation.

10. In view of the seriousness of allegations, the prima facie material on record, the conduct attributed to the applicant, and the reasonable apprehension of witness influence and evidence tampering, this Court is not inclined to enlarge the applicant on bail at this stage. **Accordingly, the bail application filed on behalf of accused Yogesh S/o Ram Kishore is dismissed.** It is clarified that nothing stated herein shall be construed as an expression on the merits of the case.

11. Copy of the order be sent to concerned jail Superintendent as per rules.
12. Copy of the order be given dasti as prayed for.
13. PA to upload the order after affixation of digital signatures by the undersigned.

**(Harjot Singh Aujla)**  
**JMFC-11, South West Dwarka**  
**Delhi/28.02.2026**