

(2026) 01 DEL CK 1455
In the Delhi High Court
Case No : Bail Application No. 278 Of 2026

Modassir Kazmi

APPELLANT

Vs

Govt. Of Nct Delhi Through Ps South Campus & Anr

RESPONDENT

Date of Decision : 22-01-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 3(5), 303(2), 318(4)

Citation : (2026) 01 DEL CK 1455

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Rajan Chaudhary, Pratyaksh Kumar, Raghuinder Varma

Final Decision : Dismissed

Judgement

Girish Kathpalia, J

1. The accused/applicant seeks anticipatory bail in case e-FIR No. 80078446/2025 of PS South Campus for offence under Section 303(2)/318(4)/3(5) BNS.
2. I have heard learned counsel for accused/applicant as well as learned APP for State assisted by IO/SI Kamal Kant.
3. Broadly speaking, the allegation against the accused/applicant is that he along with his brother and other associates were dealing in stolen mobile phones by way of changing the IMEI numbers and selling the same further. Further as per prosecution, in the course of investigation, a raid was conducted at the shop owned by the accused/applicant and stolen mobile phones were recovered from there.
4. Learned counsel for accused/applicant submits that he is innocent and has been falsely implicated merely because he is the owner of the shop from where mobile phones were being sold by his brother Muzammil. It is submitted by learned counsel that the accused/applicant had no role in the mobile phone

business of Muzammil. Learned counsel for accused/ applicant also argued that there are no antecedents, which would disentitle the accused/applicant anticipatory bail. Since the exercise of recovery of mobile phones has already been concluded, there is no need to arrest the accused/applicant, as per learned counsel.

5. On the other hand, learned APP for State, strongly opposing the anticipatory bail application has produced before me bank records of Axis Bank according to which the business of mobile phones being run by the accused/applicant had business transactions of more than Rs.4,00,00,000/-. Further, learned APP for State has also shown me the printouts of WhatsApp chats screenshots between the accused/applicant and co-accused persons reflecting the exchange of messages even as regards change of IMEI numbers. On instructions of IO, learned APP for State submits that custodial interrogation of the accused/ applicant is required to understand the modus operandi adopted by the accused/ applicant to change the IMEI numbers of the stolen mobile phones and also to find out if there are more stolen mobile phones kept elsewhere by the accused persons.

6. At this stage, learned counsel for accused/applicant contends that in the status report filed before the Court of Sessions, the IO never alleged that the subject mobile phones were stolen ones, so now new case is being set up. This submission of learned counsel is totally contrary to the last paragraph of the said status report. Besides, if the subject mobile phones are not the stolen ones, one wonders as to why somebody would try to change IMEI numbers.

7. In view of above circumstances, especially the pendency of investigation and need for custodial interrogation, I do not find it a fit case to grant anticipatory bail. The anticipatory bail application is therefore dismissed.