Application for Anticipatory Bail under Section 482 BNSS

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE South-East District, Saket Courts, New Delhi

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Anil Prakash Mehrotra and **Kamini Mehrotra** v. State (NCT of Delhi)
FIR No. 0000/2026, Police Station Sample Nagar

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MEMO OF PARTIES

1. **Anil Prakash Mehrotra**, son of late Om Prakash Mehrotra
   Aged 66 years, occupation: a branch manager of a public sector bank
   Resident of House No. 00, Block Z, Sample Enclave, New Delhi 110000
   Mobile +91 00000 00001 ... **Applicant No. 1**

2. **Kamini Mehrotra**, wife of Anil Prakash Mehrotra
   Aged 61 years, occupation: homemaker
   Resident of House No. 00, Block Z, Sample Enclave, New Delhi 110000 ... **Applicant No. 2**

versus

State (NCT of Delhi)
Through the Station House Officer, Police Station Sample Nagar
Represented by the Additional Public Prosecutor, South-East District, Saket Courts, New Delhi ... **Respondent**

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Complainant (for notice through the investigating officer): **Ishita Mehrotra**, c/o House No. 00, Sector 0, Sample Vihar, Delhi 110000

Filed through:**Tanvi Raghunathan**, Advocate, Enrolment No. D/0000/2015
Chamber No. 000, Saket Courts, New Delhi 110017
Phone: +91 00000 00000

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE South-East District, Saket Courts, New Delhi

ANTICIPATORY BAIL APPLICATION NO. 0000 of 2026

FIRST APPLICATION FOR ANTICIPATORY BAIL
(No earlier application for anticipatory or regular bail has been made by either Applicant in this FIR in any court, and none is pending.)

In the matter of:

Anil Prakash Mehrotra and **Kamini Mehrotra** ... Applicants

versus

State (NCT of Delhi) ... Respondent

FIR No.: 0000/2026 dated 12 November 2026
Police Station: Sample Nagar, District South-East, Delhi
Sections: 85 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023
Status of the Applicants: not arrested**URGENT: bail application under Chapter 10, Rule 15 of the Delhi High Court Rules, Volume III**

APPLICATION UNDER SECTION 482 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, ON BEHALF OF THE APPLICANTS, FOR A DIRECTION THAT THEY BE RELEASED ON BAIL IN THE EVENT OF THEIR ARREST

To,
The Learned Additional Sessions Judge,
South-East District, Saket Courts, New Delhi

MOST RESPECTFULLY SHOWETH:

The Applicants are the parents-in-law of the Complainant. They are named as accused in the FIR described in the caption. They have reason to believe that they may be arrested in it, and they apply jointly for a direction under section 482(1) of the BNSS that, in the event of their arrest, they shall be released on bail.

In this application, "**BNSS**" means the Bharatiya Nagarik Suraksha Sanhita, 2023, "**BNS**" means the Bharatiya Nyaya Sanhita, 2023, the "**FIR**" means FIR No. 0000/2026 dated 12 November 2026 registered at Police Station Sample Nagar, the "**Complainant**" means Ishita Mehrotra, and the "**IO**" means the investigating officer, SI Vikram Sehgal. The FIR was registered after 1 July 2024, so the application is made under the BNSS, which repealed the Code of Criminal Procedure, 1973. Section 482 BNSS takes the place of section 438 of that Code.

The facts stated below come from the Applicants' own knowledge, the copy of the FIR and the papers annexed. Each Applicant supports them by a separate affidavit filed with this application.

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1. Particulars of the case

1. PARTICULARS OF THE CASE

1.1 The particulars that the Court needs at the outset are:

FIR number and date: 0000/2026 dated 12 November 2026
Police station, district and State: Sample Nagar, South-East, Delhi
Name of the IO: SI Vikram Sehgal
Sections invoked: 85 read with 3(5) BNS
Maximum punishment for the offence under section 85 BNS: imprisonment up to three years and fine
Classification under the First Schedule to the BNSS: non-bailable; triable by a Magistrate of the first class; cognizable where information is given by the woman aggrieved or a relative
Status of investigation: pending; no charge sheet filed so far as the Applicants know
Notice under section 35(3) BNSS received: none
Arrest: neither Applicant has been arrested in this or any other case
Other accused named in the FIR: Rohan Mehrotra, the husband of the Complainant, who is not a party to this application

1.2 Because the offence under section 85 BNS is shown as non-bailable in the First Schedule, it is a non-bailable offence under section 2(1)(c) BNSS. The Applicants cannot claim release as of right if arrested, and the remedy under section 482 is therefore open to them.

2. The applicants

2. THE APPLICANTS

2.1 Applicant No. 1, Anil Prakash Mehrotra, is 66 years old. He retired as a branch manager of a public sector bank and lives on his pension. He has lived at House No. 00, Block Z, Sample Enclave, New Delhi 110000 for more than twenty years, in a house that he owns.

2.2 Applicant No. 2, Kamini Mehrotra, is 61 years old. She is a homemaker and lives with Applicant No. 1 at the same address.

2.3 Applicant No. 1 has type 2 diabetes and a cardiac stent fitted in 2024. He is under regular treatment, and the medical papers are at Annexure A-6.

2.4 Neither Applicant has ever been named in any other FIR or complaint. Both hold passports, which they will surrender if the Court so directs. They have no property or family outside India.

3. Background and the FIR in brief

3. BACKGROUND AND THE FIR IN BRIEF

3.1 The Complainant married the Applicants' son, Rohan Mehrotra, on 18 February 2023. The couple lived with the Applicants for about four months after the marriage. From June 2023 they lived in a rented flat at Flat No. 000, Sample Apartments, Sample Vihar, Delhi 110000, which is about 25 kilometres from the Applicants' house. The Applicants visited them on festivals and family occasions only.

3.2 Differences arose between the couple. On 28 August 2026 the Complainant left the rented flat and went to her parents' home.

3.3 On 3 September 2026 the Complainant made a complaint to the Crime Against Women Cell, South-East District. The Applicants and their son attended every counselling session to which they

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were called, on 24 September 2026 and 8 October 2026. The counselling did not resolve the dispute (Annexure A-2).

3.4 On 20 October 2026, in the presence of two neighbours, the Applicants returned to the Complainant's father the jewellery and articles that she listed as hers. An inventory was signed and photographs were taken (Annexure A-4).

3.5 The FIR was registered on 12 November 2026 under section 85 read with section 3(5) BNS. Section 85 punishes a husband or a relative of the husband who subjects a woman to cruelty. The FIR alleges that the Applicants, with their son, harassed the Complainant to make her family give a car and Rs. 5,00,000, and taunted her for not bringing them. That is the kind of harassment that section 86(b) BNS includes in "cruelty".

3.6 The Applicants deny every allegation. They say that no demand was ever made. The FIR gives no date, place or words for any demand said to have been made by either Applicant. It describes conduct "by the accused persons" together, and most of the incidents it narrates took place in the rented flat where the Applicants did not live.

4. Reasons to believe arrest is imminent

4. REASONS TO BELIEVE THAT THE APPLICANTS MAY BE ARRESTED

4.1 The Applicants do not rely on a vague fear. They rely on the following facts:

(a) Both of them are named as accused in the FIR, which alleges a non-bailable offence.

(b) On 15 November 2026, at about 7:30 pm, the IO came to the Applicants' house with two police officials while Applicant No. 1 was at a hospital for a check-up. The IO told Applicant No. 2 that both Applicants should "come with their bags" to the police station the next morning. No written notice was given.

(c) On 19 November 2026, two police officials came to the house again and asked neighbours when the Applicants would return.

(d) On 16 November 2026, the Complainant's brother sent a message to the Applicants' son saying that his parents would "spend the New Year in jail". A transcript is part of Annexure A-3.

(e) No notice of appearance under section 35(3) BNSS has been served on either Applicant, although they have always been available at their home address.

4.2 On 20 November 2026, the Applicants wrote to the Station House Officer that they were willing to join the investigation on any date and at any time, and they gave their address and mobile number. They have received no reply (Annexure A-3).

4.3 Neither Applicant has been arrested in connection with the FIR. They are therefore entitled to seek anticipatory bail. They understand that, once arrested, their only remedy would be an application for regular bail.

5. Jurisdiction and maintainability

5. JURISDICTION AND MAINTAINABILITY

5.1 Section 482(1) BNSS allows an application for anticipatory bail to the High Court or the Court of Session. The FIR was registered at a police station within South-East District, which falls within the jurisdiction of this Court. This Court has the case diary and the Additional Public Prosecutor of the district at hand.

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5.2 The Applicants have approached this Court first and have not gone directly to the High Court. The Supreme Court, by its order dated 8 September 2025 in Mohammed Rasal C. v. State of Kerala, said that a person seeking pre-arrest bail should not be encouraged to bypass the Sessions Court. That question has since been referred to a larger bench. Note (2) to Rule 14 of Chapter 10 of Volume III of the Delhi High Court Rules also states that the High Court, except in very special cases, declines bail applications unless the Sessions Judge has first been applied to.

5.3 The application is not barred by section 482(4) BNSS. The FIR makes no accusation under section 65 or section 70(2) BNS.

5.4 The FIR does not invoke the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, or any other special law that excludes or restricts anticipatory bail.

5.5 The FIR was registered after the BNSS came into force. No application for anticipatory bail under the repealed Code was pending on that date.

6. Previous and pending applications

6. PREVIOUS AND PENDING APPLICATIONS

6.1 This is the **first** application for anticipatory bail by either Applicant in the FIR.

6.2 No application for anticipatory bail or regular bail has been filed by either Applicant in the FIR in any court, whether below this Court, in this Court or in the High Court. No such application has been decided, and none is pending.

6.3 No petition for quashing the FIR has been filed by either Applicant. If one is filed while this application is pending, the Applicants will inform this Court at once.

6.4 The Applicants are informed that their son, Rohan Mehrotra, has engaged separate counsel. Any application he makes is his own, and he is not a party to this application. The Applicants will place on record any order in his favour or against him that comes to their knowledge.

7. Criminal antecedents and coercive processes

7. CRIMINAL ANTECEDENTS AND COERCIVE PROCESSES

7.1 Neither Applicant has any criminal antecedents. No FIR, complaint case or criminal proceeding, other than the present FIR, has ever been registered or filed against either of them. Neither has been convicted or acquitted of any offence.

7.2 No non-bailable warrant has been issued against either Applicant in the FIR or in any other case.

7.3 No proceeding for proclamation has been started against either Applicant, and neither has been declared a proclaimed offender. Neither has absconded. They have lived at their declared address throughout and have written to the police with their contact details.

7.4 These particulars are disclosed on affidavit, under heads (A) to (F), in the affidavits filed with this application. The Applicants understand that suppression or selective disclosure of material facts is an abuse of the process of the Court. They undertake to inform the Court at once of any change in these particulars while the application is pending.

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8. Grounds for anticipatory bail

8. GROUNDS

The Applicants seek anticipatory bail on the following grounds, among others, which are taken without prejudice to one another:

A. Nature and gravity of the offence. The offence alleged under section 85 BNS carries a maximum of three years' imprisonment. It is triable by a Magistrate of the first class. The dispute is matrimonial in origin, and the record of the Crime Against Women Cell shows that the Applicants took part in every attempt to settle it.

B. Role attributed to the Applicants. The FIR makes general allegations against all the accused together. It attributes no specific demand, act or words to either Applicant on any stated date. The couple lived apart from the Applicants for more than three years before the separation, and most of the alleged incidents took place in the rented flat.

C. Facts of the case. The Complainant's articles were returned on 20 October 2026 against a signed inventory. Nothing remains to be recovered from the Applicants. The evidence in the case is documentary or consists of the statements of the Complainant and her family, and the Applicants have no means to influence it.

D. Arrest is not required. Section 35(3) BNSS requires the police, in every case where arrest is not required under section 35(1), to issue a notice of appearance instead. Under section 35(5), a person who complies with that notice shall not be arrested unless the police officer records reasons for the opinion that he ought to be. The Applicants have already offered in writing to appear. No notice has been issued, and the IO's oral demand that they "come with their bags" shows an intention to arrest them without following that procedure.

E. Age and health. Applicant No. 1 is 66 years old and has type 2 diabetes and a cardiac stent fitted in 2024. Applicant No. 2 is 61 years old and is his only caregiver at home. Custody would put the health of Applicant No. 1 at serious risk.

F. No risk of flight. The Applicants own their home, live on a pension in Delhi, and have no family or property outside India. They have no criminal antecedents and have never failed to appear when called.

G. Investigation is not affected. An order of anticipatory bail does not limit the right of the police to investigate. The Applicants will join the investigation whenever required, and the IO may question them as fully as the investigation needs.

H. Object of the arrest. The message of 16 November 2026 shows that the Complainant's family wants the Applicants arrested to put pressure on their son in the matrimonial dispute, not because the investigation needs it.

9. Undertakings and proposed conditions

9. UNDERTAKINGS AND PROPOSED CONDITIONS

9.1 The Applicants undertake to abide by every condition that this Court imposes under section 482(2) BNSS. Without limiting the conditions the Court may think fit, they propose the following:

(a) They shall make themselves available for interrogation by a police officer as and when required, on 24 hours' notice by telephone or message to the number in the memo of parties.

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(b) They shall join the investigation at Police Station Sample Nagar on any date the IO fixes, and on 3 December 2026 if the Court so directs, between 10:00 am and 5:00 pm.

(c) They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade that person from disclosing those facts to the Court or to any police officer, and they shall not tamper with the evidence.

(d) They shall not contact the Complainant or any member of her family, except through counsel or in proceedings before a court, a mediation centre or the Crime Against Women Cell.

(e) They shall not leave India without the previous permission of the Court, and they shall surrender their passports to the IO within seven days if the Court so directs.

(f) They shall attend in accordance with the conditions of the bond, and shall appear before the trial court on every date fixed if a charge sheet is filed.

(g) They shall keep their mobile phones switched on and their location available to the IO, and shall inform the IO in writing of any change of address or telephone number.

9.2 The Applicants understand that if they breach any condition, this Court may direct their arrest and commit them to custody under section 483(3) BNSS.

10. Bond and sureties offered

10. BOND AND SURETIES OFFERED

10.1 The Applicants offer to execute personal bonds in such sum as the Court fixes, with one surety each. They request that the amount be fixed with regard to their circumstances, a retired couple living on a pension, and not be excessive.

10.2 The proposed sureties are:

(a) for Applicant No. 1: Pradeep Arora, aged 58 years, brother-in-law of Applicant No. 1, owner of a flat at Sample Enclave, New Delhi; and

(b) for Applicant No. 2: Meenal Kapoor, aged 54 years, sister of Applicant No. 2, a government school teacher residing in Sample Colony, New Delhi.

10.3 Each surety is ready to appear and to produce proof of identity, residence and solvency, and to file an affidavit of means, before the arresting officer or the court that the direction names.

10.4 The Applicants request that, if they are arrested without warrant on the accusation in the FIR, the direction provide for their release on bail by the arresting officer on their furnishing the bonds and sureties. If a Magistrate taking cognizance decides that a warrant should issue in the first instance, section 482(3) BNSS requires it to be a bailable warrant in conformity with the direction of this Court.

11. Notice to the Public Prosecutor and the complainant

11. NOTICE TO THE PUBLIC PROSECUTOR AND THE COMPLAINANT

11.1 An advance copy of this application, with all annexures, has been served on the Additional Public Prosecutor for the State at South-East District, Saket Courts, New Delhi on 25 November 2026. The endorsement of receipt is on the first page of the court copy.

11.2 The Applicants have no objection to notice of this application being issued to the Complainant through the IO, so that she may be heard before the application is decided. They request that the IO be directed to file a status report and to inform the Complainant of the next date.

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11.3 Under Rule 15 of Chapter 10 of Volume III of the Delhi High Court Rules, applications for bail are treated as urgent. The Applicants request an early date and interim protection in the meantime, for the reasons given in paragraph 4.

PRAYER

In the circumstances, the Applicants most respectfully pray that this Court may be pleased to:

(a) direct, under section 482(1) BNSS, that in the event of the arrest of the Applicants, Anil Prakash Mehrotra and Kamini Mehrotra, in FIR No. 0000/2026 dated 12 November 2026, Police Station Sample Nagar, under sections 85 read with 3(5) BNS, they shall be released on bail on furnishing personal bonds with one surety each in such amount as the Court thinks fit, to the satisfaction of the arresting officer or the IO;

(b) direct, as an interim measure until this application is decided, that no coercive steps be taken against the Applicants in the FIR, on such terms as to joining the investigation as the Court thinks fit;

(c) direct that the protection granted shall not be limited in time and shall continue, subject to the Applicants' conduct, until the end of the trial, unless the Court for reasons stated orders otherwise;

(d) impose such conditions under section 482(2) BNSS as the Court thinks fit, in addition to those proposed in paragraph 9; and

(e) pass any other order that the Court considers just in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANTS SHALL, AS IN DUTY BOUND, EVER PRAY.

[Signature]**Anil Prakash Mehrotra**
Applicant No. 1

[Signature]**Kamini Mehrotra**
Applicant No. 2

Through:

[Signature]**Tanvi Raghunathan**, Advocate for the Applicants
Enrolment No. D/0000/2015
Chamber No. 000, Saket Courts, New Delhi 110017
Phone: +91 00000 00000

Place: New Delhi
Date: 26 November 2026

IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE South-East District, Saket Courts, New Delhi

ANTICIPATORY BAIL APPLICATION NO. 0000 of 2026 Anil Prakash Mehrotra and **Kamini Mehrotra** v. **State (NCT of Delhi)**
FIR No. 0000/2026, Police Station Sample Nagar

AFFIDAVIT OF APPLICANT NO. 1 IN SUPPORT OF THE APPLICATION FOR ANTICIPATORY BAIL, WITH DISCLOSURE OF MATERIAL PARTICULARS

I, **Anil Prakash Mehrotra**, son of late Om Prakash Mehrotra, aged 66 years, resident of House No. 00, Block Z, Sample Enclave, New Delhi 110000, do solemnly affirm and state as follows:

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(1) I am Applicant No. 1 in the accompanying application and am competent to swear this affidavit. I have read the application, and its contents have been explained to me in Hindi, a language I understand.

(2) I make the following disclosure of material particulars.

(A) Case details

FIR number and date: 0000/2026 dated 12 November 2026
Police station, district and State: Sample Nagar, South-East, Delhi
Sections invoked: 85 read with 3(5) BNS
Maximum punishment prescribed: imprisonment up to three years and fine

(B) Custody and procedural compliance

Whether arrested: not arrested in this FIR or in any other case
Period of custody undergone: nil
Notice under section 35(3) BNSS: not received

(C) Status of trial

Stage of proceedings: investigation; no charge sheet filed to my knowledge
Witnesses cited and examined: not applicable

(D) Criminal antecedents

Other FIRs or complaint cases: none
Status (pending, acquitted or convicted): no case pending, no acquittal and no conviction

(E) Previous bail applications

Applications for anticipatory or regular bail in this FIR in any court, decided or pending: none
This is the first application.

(F) Coercive processes

Whether any non-bailable warrant was issued: no
Whether declared a proclaimed offender, or any proclamation proceeding started: no

(3) The facts in paragraphs 1.1 (as to arrest and notices), 2, 3.1 to 3.4, 4.1(b) to (e), 4.2, 6 and 7 of the application, and the disclosure under heads (B), (D), (E) and (F), are true to my own knowledge. As to paragraph 4.1(b), I was not at home on 15 November 2026; my wife told me what the IO said the same evening, and I believe her account to be true.

(4) The facts in paragraphs 1.1 (as to the classification of the offence and the status of investigation), 3.5 and 3.6 of the application, and the disclosure under heads (A) and (C), are stated on information that I believe to be true. The grounds of my belief are the copy of the FIR at Annexure A-1, the record of the Crime Against Women Cell at Annexure A-2, and the advice of my advocate on the court record.

(5) The undertakings in paragraph 9 and the offer of a surety in paragraph 10 are given by me personally. The legal submissions are made on legal advice.

(6) The annexures are true copies of their originals. I have not concealed any material fact.

[Signature]**Anil Prakash MehrotraDEPONENT**

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(A separate affidavit in the same form is sworn by Applicant No. 2, Kamini Mehrotra. In her paragraph (3), she states that the facts in paragraph 4.1(b) of the application are true to her own knowledge, because she spoke to the IO herself.)

VERIFICATION

Verified at New Delhi on 26 November 2026 that the contents of paragraphs (1), (2) as to heads (B), (D), (E) and (F), (3) and (5) of the above affidavit are true to my own knowledge, and that the contents of paragraph (2) as to heads (A) and (C), and paragraph (4), are true on the information and grounds of belief stated in them. No part of it is false and nothing material has been concealed. I know that giving false evidence in a judicial proceeding is an offence under section 229 of the Bharatiya Nyaya Sanhita, 2023.

[Signature]**Anil Prakash MehrotraDEPONENT**

ATTESTATION

Solemnly affirmed before me at New Delhi on 26 November 2026 by Anil Prakash Mehrotra, who was identified by Tanvi Raghunathan, Advocate. The contents were read over and explained to the deponent in Hindi, and he said that he understood them and signed in my presence.

[Signature and seal]**Oath Commissioner, Saket Courts, New Delhi**
Registration / serial no.: 0000/2026

LIST OF ANNEXURES

Annexure A-1: FIR No. 0000/2026 dated 12 November 2026, Police Station Sample Nagar.

Annexure A-2: Complaint dated 3 September 2026 to the Crime Against Women Cell, South-East District, and the notices and attendance record of the counselling sessions held on 24 September 2026 and 8 October 2026.

Annexure A-3: Letter dated 20 November 2026 from the Applicants to the Station House Officer, Police Station Sample Nagar, with postal receipt and tracking report; and the transcript of the message dated 16 November 2026.

Annexure A-4 (colly): Inventory dated 20 October 2026 of the articles returned to the Complainant's father, signed by both sides and two witnesses, with photographs.

Annexure A-5 (colly): Aadhaar cards (masked), passports (first and last pages), title papers of the house at House No. 00, Block Z, Sample Enclave, New Delhi 110000, pension payment order and electricity bill.

Annexure A-6 (colly): Prescriptions, discharge summary and latest test reports of Applicant No. 1.

Vakalatnama in favour of Tanvi Raghunathan, Advocate, signed by both Applicants.

No notice under section 35(3) BNSS or order of any court in the FIR exists, so none is annexed. Personal identifiers that the Court does not need, such as full Aadhaar and bank account numbers, are masked in the copies.

Certified as true copies:

[Signature]**Tanvi Raghunathan**, Advocate
New Delhi, 26 November 2026

PROPOSED ORDER

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Present: Additional Public Prosecutor for the State, with the IO, SI Vikram Sehgal.
Tanvi Raghunathan, Advocate for the Applicants, with both Applicants in person.

Heard. Status report and the case diary perused.

The Applicants, Anil Prakash Mehrotra and Kamini Mehrotra, apply under section 482 BNSS in FIR No. 0000/2026 dated 12 November 2026, Police Station Sample Nagar, under sections 85 read with 3(5) BNS. Having regard to the nature and gravity of the accusation, the role attributed to the Applicants and the facts of the case, the application is allowed.

It is directed that, in the event of their arrest in the above FIR, the Applicants shall be released on bail on furnishing personal bonds in the sum of Rs. 25,000 each, with one surety each in the like amount, to the satisfaction of the arresting officer or the IO, on the following conditions:

(i) the Applicants shall make themselves available for interrogation by a police officer as and when required, and shall join the investigation on 3 December 2026 and thereafter as directed by the IO;

(ii) they shall not leave India without the previous permission of the Court;

(iii) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, or tamper with the evidence;

(iv) they shall not contact the Complainant or her family members except through counsel or before a court or mediator; and

(v) they shall keep their mobile numbers active and inform the IO of any change of address.

This order is confined to the accusation in the above FIR. It does not limit the power of the police to investigate. In case of breach of any condition, the State is at liberty to apply for its cancellation.

Nothing in this order is an expression of opinion on the merits of the case.

The application is disposed of. A copy of the order be given dasti.

Additional Sessions Judge
South-East District, Saket Courts, New Delhi
Date: date of the hearing

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