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

+ CRL.M.C. 5172/2025, CRL.M.A. 22358/2025 & CRL.M.A. 22359/2025

HARINDER BASHISHTA

.....Petitioner

Through: Mr. Vikas Pahwa, Sr. Adv. with Mr. Prabhav Ralli, Ms. Deeya Mittal, Mr. Dev Vrat Arya, Adv.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for State. Mr. Kapil Sankhla, Mr. Akhilesh Aggarwal and Mr. Vipul Grover, Adv. complainants/Sanjib Kumar, Sunil Gupta, Shoaib Pervez.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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19.11.2025

1. The present petition has been filed seeking deletion of the condition imposed in sub-clause (ii) of the last paragraph of order dated 21.06.2025 of Bail Matter no. 1086/2025.
2. Mr. Vikas Pahwa, learned senior counsel appearing on behalf of petitioner submits that the petitioner was granted bail by the Court of learned Additional Sessions Judge, Dwarka Courts, Delhi *vide* order dated 21.06.2025, and while granting the said bail, learned sessions Court had *inter alia* imposed the condition that the petitioner should also share his location 24 x 7 with the IO through Google.



3. He submits that the Hon'ble Supreme Court has held that such a condition cannot be a condition of bail. In support of his submission he has placed reliance on the decision of the Hon'ble Supreme Court in ***Frank Vitus vs. Narcotics Control Bureau (2024) SCC 8 SCC 415***, particularly paras 10.1, 13 and 16 thereof, which reads thus:

*“10.1. We are dealing with a case of the accused whose guilt is yet to be established. So long as he is not held guilty, the presumption of innocence is applicable. He cannot be deprived of all his rights guaranteed under Article 21. The courts must show restraint while imposing bail conditions. Therefore, while granting bail, the courts can curtail the freedom of the accused only to the extent required for imposing the bail conditions warranted by law. Bail conditions cannot be so onerous as to frustrate the order of bail itself. For example, the court may impose a condition of periodically reporting to the police station/court or not travelling abroad without prior permission. Where circumstances require, the court may impose a condition restraining an accused from entering a particular area to protect the prosecution witnesses or the victims. **But the court cannot impose a condition on the accused to keep the police constantly informed about his movement from one place to another. The object of the bail condition cannot be to keep a constant vigil on the movements of the accused enlarged on bail. The investigating agency cannot be permitted to continuously peep into the private life of the accused enlarged on bail, by imposing arbitrary conditions since that will violate the right of privacy of the accused, as guaranteed by Article 21. If a constant vigil is kept on every movement of the accused released on bail by the use of technology or otherwise, it will infringe the rights of the accused guaranteed under Article 21, including the right to privacy. The reason is that the effect of keeping such constant vigil on the accused by imposing drastic bail conditions will amount to keeping the accused in some kind of confinement even after he is released on***



bail. Such a condition cannot be a condition of bail.

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13. Firstly, we will deal with the issue of the condition of dropping a pin on Google Maps. The condition imposed on the appellant of dropping a pin on Google Maps gives an impression that the condition will enable the first respondent Narcotics Control Bureau (NCB) to monitor the movements of the accused on a real-time basis, which will be violative of the right to privacy guaranteed under Article 21 of the Constitution of India.

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16. ***Imposing any bail condition which enables the police/investigating agency to track every movement of the accused released on bail by using any technology or otherwise would undoubtedly violate the right to privacy guaranteed under Article 21. In this case, the condition of dropping a pin on Google Maps has been incorporated without even considering the technical effect of dropping a pin and the relevance of the said condition as a condition of bail. This cannot be a condition of bail. The condition deserves to be deleted and ordered accordingly. In some cases, this Court may have imposed a similar condition. But in those cases, this Court was not called upon to decide the issue of the effect and legality of such a condition.***

(emphasis supplied)

4. In view of the law expounded by the Honb'le Supreme Court in ***Frank Vitus*** (supra), this Court is of the view that the condition as noted above could not have been imposed by the learned Additional Judge while granting bail to the petitioner.

5. Accordingly, the condition to the effect that the petitioner “should



also share his location 24 x 7 with the IO through Google” is not sustainable and the same is accordingly deleted.

6. With the aforesaid direction, the petition alongwith pending applications, is disposed of.

VIKAS MAHAJAN, J

NOVEMBER 19, 2025

N.S. ASWAL