

**IN THE COURT OF SH SAMAR VISHAL, ADDITIONAL
SESSIONS JUDGE-02, SOUTH DISTRICT, SAKET COURTS, NEW
DELHI**

Bail Matter No. : 1423/2026
FIR No. : 197/2026
Police Station : Malviya Nagar
under Section : 105/326(g)/324(5)/125(a)/125(b)/287 BNS

IN THE MATTER OF:

State

...Non-Applicant
Through: Sh. Arun Kumar Singh
Ld. Additional Public Prosecutor
(IO Inspector Subhash Chand, PS Malviya Nagar)

V.

Keshar Negi

Through: Sh. Deepak Prakash, Adv Divyangna Malik, Ms. Priyamvada
Singh Solanki and Adv Harshit Sharma
Ld. Counsels

DATE OF FILING OF APPLICATION : 11.07.2026
DATE OF ARGUMENTS : 23.07.2026
DATE OF PRONOUNCEMENT : 27.07.2026

ORDER

27.07.2026

1. The applicant, Kesar Negi, seeks regular bail under Section 483(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, in FIR No.

197/2026 registered at Police Station Malviya Nagar in connection with the fire incident which took place in Flourish Stay Hotel, Malviya Nagar—a BnB on 03.06.2026 . It is contended that he has been falsely implicated and that he was merely a salaried chef employed at the establishment, having no ownership, managerial or supervisory role in its functioning. He has been in judicial custody since 06.06.2026.

2. The principal submission of the applicant is that the FIR and the arrest memo do not disclose the essential ingredients of the offences alleged against him. According to him, neither document attributes any specific negligent act or omission to him, nor do they allege any intention, knowledge or carelessness on his part. It is argued that in the absence of any direct or indirect allegation connecting him with the cause of the fire, no prima facie case is made out against him.

3. It has further been argued that the alleged deficiencies forming the basis of the prosecution case, namely the absence of fire safety licences and permissions, defective LPG installations, inadequate fire safety equipment, lack of emergency exits, sprinklers and fire extinguishers, were matters entirely within the responsibility of the owners and management of the BnB. Being only an employee, the applicant had neither authority nor responsibility over these aspects and therefore cannot be held criminally liable for any alleged regulatory or safety lapses.

4. It is also submitted that the applicant possesses an unblemished professional record as a chef, having worked in reputed hotels including

The Oberoi, Muscat and Melbourne. During the incident, he allegedly remained at the premises until about 2:00 p.m. despite the danger to his own life and acted in a bona fide manner. The application asserts that the investigating agency has deliberately ignored these circumstances and has made him a scapegoat while shielding the owners and persons actually responsible for the management of the establishment.

5. The applicant challenges the prosecution version regarding the cause of the fire. While the arrest memo attributes the rapid spread of the fire to the melting of rubber LPG pipes, it is argued that no explanation has been given as to why those pipes melted. According to the applicant, the fire was caused by an electrical short circuit, which subsequently melted the LPG pipes. It is further claimed that immediately after noticing the fire, he switched off the electrical supply and informed the manager, Rupesh, thereby acting prudently rather than negligently.

6. The application also submits that the earlier rejection of bail by the Court of Magistrate was based only on the gravity of the allegations and the fact that the investigation was at a nascent stage, without any adjudication on the merits of the accusations. It is argued that custodial interrogation is no longer necessary, as the scene has already been inspected by the Forensic Science Laboratory and nothing remains to be recovered from the applicant. His continued detention is therefore described as punitive rather than investigative.

7. In support of these submissions, reliance is placed upon the decisions of the Hon'ble Supreme Court in ***Sushil Ansal v. State (through CBI) (2014) 6SCC 173*** arising from the Uphaar Cinema fire tragedy and ***Yuvraj Laxmilal Kanther v. State of Maharashtra (2025) INSC 338***. It is argued that these decisions emphasise that offences of culpable homicide require proof of intention or knowledge of a high degree and that mere negligence or managerial failure is insufficient to constitute such offences in the absence of proof of a specific duty and its grave breach. The applicant submits that his case stands on an even stronger footing as he was merely a chef and not part of the management.

8. Lastly, the applicant invokes the settled principles governing grant of bail, relying upon ***Satender Kumar Antil v. CBI (2022) 10 SCC 40***, ***Sanjay Chandra v. CBI (2012) 1SCC 40*** and ***Gudikanti Narasimhulu v. Public Prosecutor (1978) 1SCC 241***, to contend that bail is the rule and jail is the exception. It is submitted that he satisfies the triple test for grant of bail, as he is a permanent resident of Delhi with no criminal antecedents, is not a flight risk, cannot tamper with the evidence already secured by forensic experts, and is not in a position to influence the prosecution witnesses. He undertakes to cooperate with the investigation and abide by any condition imposed by the Court.

9. The Ld. Additional Public Prosecutor has opposed the bail application of accused Keshar Negi on the ground that the case concerns an unprecedented fire tragedy at Flourish Stay, Hauz Rani, Malviya Nagar, on 03.06.2026, in which 23 persons lost their lives and 24 others

sustained grievous burn injuries and smoke inhalation injuries. It is submitted that the incident has resulted in an enormous loss of human life and has serious ramifications for public safety. The State also points out that the applicant's first bail application had already been rejected by the learned Magistrate on 08.06.2026.

10. The reply states that during investigation three persons have been arrested, namely, the owner of Hotel Flourish Stay, Lovkesh Bajaj, the present applicant Keshar Negi, who was the Head Chef of Restaurant "Snack & Bites", and Jay Mishra, in whose name the Bread & Breakfast licence had been issued and who was working as the hotel's accountant. All three accused are presently in judicial custody.

11. According to the prosecution, investigation has revealed that Keshar Negi was not a mere cook but was the Head Chef responsible for the day-to-day functioning of the kitchen. He was operating and supervising the electric oil fryer, LPG system, gas stoves, electric tandoors, pizza ovens and other kitchen appliances installed in the kitchen. The State relies upon the statement of Rupesh Kumar, the receptionist of the hotel, recorded during investigation as well as under Section 183 BNSS before the learned Magistrate. Rupesh Kumar stated that on the morning of 03.06.2026, at about 8:00 a.m., the accused was present in the kitchen preparing breakfast and had switched on various kitchen appliances, including the electric oil fryer. At about 8:35 a.m., after being informed by a housekeeping employee about a fire, he reached the kitchen and noticed a substantial fire near the electric oil fryer. Despite attempts to extinguish the fire with available fire

extinguishers and an additional extinguisher brought from a neighbouring hotel, the fire spread rapidly. He then evacuated guests, informed the Fire Control Room, ambulance services and the hotel owner, and himself sustained injuries during the rescue operation.

12. The Investigating Officer further relies upon Rupesh Kumar's statement that Keshar Negi was responsible for operating the kitchen appliances and had previously been cautioned to exercise due care while handling them, as he was allegedly negligent in their operation. The prosecution submits that these statements constitute material evidence collected during investigation.

13. The reply also refers to the disclosure made by the accused during interrogation, wherein he admitted that he had switched on the electric oil fryer and other kitchen appliances as part of the routine morning preparations and later noticed fire near the fryer. It is stated that during the incident the LPG hose pipe caught fire, resulting in LPG leakage and rapid spread of the fire. However, the State clarifies that the exact origin, cause and manner of spread of the fire are yet to be conclusively determined through scientific examination, and the final report of the Forensic Science Laboratory is still awaited. Although reports of the Delhi Fire Services and the Electrical Inspector have been received, the FSL report is necessary to determine the precise cause of the fire and the sequence of events.

14. The prosecution submits that investigation is continuing and statements of survivors, injured persons, officials of the Delhi Fire

Services, MCD, Tourism Department and other authorities are being recorded. Electronic evidence, DVR footage and documentary evidence are also being collected. It is argued that the applicant's plea that he was merely a Head Chef and not responsible for the incident is a matter of defence to be tested during trial, whereas the material collected so far prima facie shows his active involvement in the kitchen operations immediately preceding the occurrence.

15. The State further contends that the investigation is at a crucial stage. Pending expert reports are likely to have a direct bearing on determining the cause of the fire and the respective roles of the accused persons. It is also submitted that several witnesses connected with the establishment are yet to be examined and, if released on bail, the accused may influence, intimidate or induce prosecution witnesses or otherwise interfere with the fair course of investigation and trial.

16. Lastly, the State emphasises the exceptional gravity of the offences, involving the death of 23 persons and grievous injuries to 24 others. Considering the magnitude of the tragedy, the prima facie evidence collected during investigation, the pendency of crucial scientific reports, the stage of investigation and the likelihood of the accused influencing witnesses or obstructing the administration of justice, the State submits that no ground for grant of bail is made out and prays for dismissal of the successive bail application.

17. I have heard the learned Additional Public Prosecutor for the State and the learned counsel for the applicant. I have also carefully perused

the bail application, the reply filed by the Investigating Officer and the material placed on record.

18. The applicant has been in judicial custody since 06.06.2026. Along with the bail application, several certificates issued by his previous employers have been placed on record, showing that he had worked at reputed establishments. In all these certificates, the applicant has been described as hardworking, sincere, cooperative, attentive and possessing good moral character. Though these certificates are not conclusive of the issues involved in the present case, they are relevant while considering his antecedents and there is nothing on record to suggest that he has any previous criminal involvement.

19. There can be no dispute that the incident in question is one of extreme gravity. A large number of innocent persons lost their lives while several others suffered grievous injuries. The magnitude of the tragedy naturally requires a thorough and fair investigation. However, the seriousness of the offence, by itself, cannot be the sole ground to deny bail. The Court is equally required to examine the specific role attributed to the applicant and whether his continued detention is necessary for the purposes of investigation or trial.

20. The prosecution itself has arrested not only the present applicant but also the owner of the hotel and the person in whose name the Bread and Breakfast licence had been issued. The material collected during investigation prima facie indicates that the applicant was working as the Head Chef of the establishment and was entrusted with the day-to-day

functioning of the kitchen. Merely because the applicant was required, in the ordinary course of his employment, to operate kitchen appliances such as the electric oil fryer, gas stoves and other cooking equipment, it cannot, by itself, lead to an inference that he was criminally negligent or legally responsible for the unfortunate incident. Operating kitchen appliances was an integral part of his employment as a chef and was the very duty for which he had been engaged. Performance of those routine duties cannot, without more, be treated as constituting culpable negligence or criminal liability.

21. Equally significant is the fact that there is no material placed before this Court to show that the applicant had any responsibility whatsoever with respect to the structural design of the building, installation or maintenance of the LPG system, fire safety mechanisms, electrical wiring, procurement of statutory licences, obtaining fire safety clearances, installation of emergency exits, sprinklers, fire alarms or any other safety infrastructure. Those matters *prima facie* fall within the domain of the owner and the management of the establishment and not that of a salaried chef employed to prepare food in the kitchen. At this stage, therefore, merely because the applicant was present in the kitchen and was performing his assigned duties cannot be equated with criminal negligence or with responsibility for the safety of the entire hotel.

22. The prosecution has relied upon the statement of Rupesh Kumar to contend that the applicant had switched on the electric oil fryer and other kitchen appliances before the incident and that fire was noticed in the vicinity of the fryer. However, the reply filed by the Investigating

Officer itself states that the exact origin, cause and manner of the spread of the fire are yet to be conclusively determined through scientific examination by the competent expert agencies, and that the report of the Forensic Science Laboratory is still awaited. Thus, even according to the prosecution, the precise cause of the fire has not yet been scientifically established. In such circumstances, it would not be appropriate, at this stage, to attribute criminal culpability to the applicant merely because he was performing his routine duties in the kitchen when the incident occurred.

23. The principal grounds urged by the prosecution for opposing bail are the pendency of scientific investigation and the apprehension that the applicant may influence witnesses or obstruct the administration of justice. The pendency of expert reports cannot, by itself, justify indefinite incarceration, particularly when the scientific determination of the cause of fire is to be undertaken by independent expert agencies and does not require the applicant's continued custodial detention. Likewise, no specific material has been brought to the notice of this Court to show that the applicant has attempted to influence any witness or tamper with evidence. The apprehension expressed by the prosecution remains general in nature. Having regard to the applicant's age, antecedents, status as a salaried employee and the overall facts and circumstances of the case, I do not find any reasonable basis to conclude that his release on bail would prejudice the investigation or the administration of justice.

24. Without expressing any opinion on the merits of the case, I am of the considered opinion that the prosecution has not been able to

demonstrate any compelling necessity for the continued custodial detention of the applicant. The interests of justice can be adequately safeguarded by imposing appropriate conditions while enlarging him on bail.

25. Accordingly, the present bail application is allowed. The applicant Keshar Negi is admitted to regular bail in FIR No. 197/2026, Police Station Malviya Nagar, on furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount, to the satisfaction of the learned Trial Court/Duty Magistrate, subject to the following conditions:

- I. The applicant shall join the investigation as and when required by the Investigating Officer and shall cooperate with the investigation.
- II. The applicant shall not directly or indirectly induce, threaten or promise any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts before the Court or the Investigating Agency.
- III. The applicant shall not tamper with the prosecution evidence or attempt to influence any witness in any manner.
- IV. The applicant shall furnish his mobile number and residential address to the Investigating Officer and keep the same operational at all times. Any change shall be promptly intimated to the Investigating Officer and the learned Trial Court.
- V. The applicant shall not leave India without prior permission of the learned Trial Court.

VI. The applicant shall appear before the learned Trial Court on each date fixed unless exempted in accordance with law.

26. It is clarified that the observations made herein are only for the purpose of deciding the present bail application and shall not be construed as an expression on the merits of the case. The Trial Court shall decide the matter independently on the basis of the evidence led before it.

27. Let a copy of this order be transmitted to the concerned Jail Superintendent, the learned Trial Court, and the Filing and Bail Section for information. A copy be also given *dasti* to learned counsel for the applicant and to the Investigating Officer for necessary compliance. The bail application stands disposed of accordingly.

**Announced in the open
Court on 27.07.2026**

**(SAMAR VISHAL)
Additional Sessions Judge-02,
South, Saket Courts, New Delhi
27.07.2026**