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

+ **BAIL APPLN. 1461/2025**

SUNNY @ RAHUL

.....Petitioner

Through: Mr. Akash Deep Gupta, Mr. Aditya Kapoor and Ms. Sharda Garg, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with Inspector Rajeev Ranajan PS Bara Hindu Rao, Inspector Deepak Kumar, PS Kalyanpuri and SI Kapil Singh, PS Bara Hindu Rao
Complainant in person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

28.05.2025

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1. The Bail Application under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Sunny @ Rahul for grant of Regular Bail in FIR No. 125/2022 under Section 395/397/412/34 of the Indian Penal Code, 1860 registered at Police Station Bara Hindu Rao.
2. It is submitted that the Applicant is innocent and has been implicated falsely in this case. He has clean antecedents. His Bail Application filed earlier was rejected *vide* Order dated 22.03.2025.
3. It is further submitted that he is not even named in the FIR, but he had been apprehended on the disclosure of the co-accused. No recovery has been affected from the Applicant. It is further submitted that the Applicant has been diagnosed with pulmonary disease (lower back problem) that



significantly affects his daily functioning and overall health and renders him medically unfit to remain in custody.

4. He is in judicial custody since 08.07.2023. The Chargesheet already stands filed and that no fruitful purpose would be served in denying him bail.

5. The Petitioner is currently confined in Central Jail, Tihar, which lacks an environment conducive to academic preparation for his upcoming examination. Hence, the present Application is filed for grant of Bail.

6. The **Status Report** has been filed on behalf of the State wherein it is submitted that the Chargesheet already stands filed. Let the same be taken on record. The learned Prosecutor opposes the Bail on the ground that offence is heinous and one eye-witness is yet to be examined.

7. **Submissions heard and the record perused.**

8. The Complainant, Mr. Sapan, son of Mr. Sunil Kumar, had given a Complaint on 18.04.2022 that at about 03:00 p.m. he along with his friend, Mr. Rajeev Gautam @ Raju, was travelling on a scooter with the cash of Rs.25,00,000/-. As they were coming out of *Koocha Baijnath* at about 03:50 p.m, suddenly, four persons on two Scooties surrounded him and made him stop his Scooter. Then, one of the said Accused pulled out a pistol like weapon and exhorted him to hand over the Scooty. He and his friend, Mr. Rajeev Gautam got scared and left the Scooty on the spot, which was taken away along with the cash of Rs.25,00,000/- lying therein.

9. On his Complaint, FIR was registered and the investigations were carried out. Eventually, the five accused allegedly involved in the commission of the offence, were arrested. A gold chain and one Scooty allegedly purchased from the looted amount, was recovered from Mr. Ganesh Kumar, the co-Accused.



10. Statement of the Complainant has been recorded before the learned Trial Court. The Accused is in judicial custody since 08.07.2023. There are 22 prosecution witnesses out of which only 05 had been recorded till date.

11. Considering the totality of the circumstances and also that the trial may take long time to conclude the proceedings, the Accused is granted Regular Bail, on the following terms and conditions:-

- a) The Applicant/Accused shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;
- c) The Applicant/Accused shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Applicant /Accused shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.
- e) In case the Applicant /Accused changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

12. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

13. The Bail Application is accordingly disposed of.

NEENA BANSAL KRISHNA, J

MAY 28, 2025/SV