



\$~SB-1

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

+ **BAIL APPLN. 2207/2025**

VIKAS @BHIM

.....Petitioner

Through: Ms. Mallika Gupta with Mr.
Abhishek Kumar, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms.Kiran Bairwa, APP for the State
with SI Bhambhal Ram (I.O.) &
Inspector Davender Singh PS. Jaffar
Pur Kalan

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

16.06.2025

CRL.M.A. 17926/2025 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

BAIL APPLN. 2207/2025

3. This is an Application filed by the Applicant for interim bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”) on humanitarian grounds in light of the serious medical condition of the Applicant’s mother, aged approximately 59 years, who is currently undergoing treatment for multiple critical health ailments and requires continuous care and support.



4. An FIR bearing No. 149/2024 dated 18.11.2024 under Sections 331(5)/61(2)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 has been registered at Police Station Jaffarpur Kalan (“**FIR**”) against the Applicant. The FIR states that on 17.11.2024 at about 04:15 PM, the Applicant had sent goons to take the forceful possession of the plot located in the Revenue Estate of Kair Village. During the investigation, it was revealed that there was a dispute over the ownership and possession of the property and the Applicant has been claiming ownership over the property from one Parminder in the year 2014. The Applicant and Parminder conspired with co-accused Yogesh to take over the possession of the property. The Applicant showed the property to the accused Yogesh and handed over the set of property documents.

5. The said documents in the name of Applicant were recovered from the car of co-accused Yogesh, which were found to be forged on verification. The Applicant surrendered on 03.03.2025.

6. The Applicant has submitted that he was not present at the scene of the incident and has been maliciously roped in by the Complainant, Manish Sherawat, with ulterior motives. It is further submitted that there is no cogent evidence to substantiate the allegations made against the Applicant. The Applicant has been in judicial custody since 07.03.2025. The Charge Sheet has already been filed and there are 13 prosecution witnesses, which will take considerable time to be examined.

7. On 30.05.2025, the Applicant had moved an interim bail application before the Additional Sessions Judge (“**ASJ**”), Dwarka Court, New Delhi for grant of interim bail for the period of ten days to the Applicant on the ground that the mother of the Applicant is undergoing treatment in the



hospital and the Applicant is the sole caretaker of his mother. On 04.06.2025, the learned ASJ dismissed the interim bail application while observing that no specific date for surgery of the Applicant's mother had been finalized and that the decision regarding the surgery was contingent upon the outcome of the Angiography. Consequently, the learned ASJ concluded that there existed no certainty or fixed timeline with respect to medical procedure and thus the relief sought was declined.

8. In view of the same, the present Application for interim bail has been filed by the Applicant before this Court on the same grounds of medical treatment of the Applicant's mother. *Vide* order dated 11.06.2025, notice was issued and the learned Additional Public Prosecutor (“**APP**”) was directed to file Status Report and the matter was listed before the Vacation Bench on 16.06.2025.

9. The learned APP has submitted a Status Report, which is taken on record. As per the Status Report, it is stated that during the police custody, the Applicant had disclosed that he had thrown away the pistol in order to destroy the evidence and had been frequently changing his mobile handset and phone number to contact his associates. The Status Report states that the anticipatory bail application of the Applicant was dismissed by the learned Sessions Court on 18.12.2024 and the second anticipatory bail application was dismissed by the learned ASJ on 14.01.2025. This Court, *vide* order dated 17.01.2025, dismissed the anticipatory bail of the Applicant.

10. As regards the medical documents of the Applicant's mother, the Status Report confirms that the Applicant's mother is admitted in the Maharaja Agrasen Hospital, West Punjabi Bagh, New Delhi since 28.05.2025 and the doctor has suggested her to undergo Angioplasty on



18.06.2025 and she may need stent surgery. Mr. Ashok, brother of the Applicant, is a kidney patient and goes for dialysis at Rakhi Hospital, Nangloi, New Delhi every alternative day. There is no change in the facts since the rejection of the interim bail application by the learned ASJ on 04.06.2025.

11. The learned APP, relying on the Status Report, submits that as per the conduct of the Applicant and the gravity of the crime, the interim bail application be rejected as the Applicant may threaten the Complainant and witnesses if enlarged on bail.

12. Considering the submissions made by the learned Counsel for the Applicant and the learned APP, it is confirmed that the mother of the Applicant is undergoing treatment and is scheduled to undergo surgery for Angiography on 18.06.2025 as per the certificate dated 14.06.2025 issued by Maharaja Agrasen Hospital. As the Applicant is the sole and primary caregiver and there is no other immediate family member available to attend to the Applicant's mother, the Applicant has made out a case for grant of interim bail for ten days on humanitarian grounds for attending to his ailing mother during the medical treatment which is undergoing at present.

13. Accordingly, the Applicant is released on interim bail on the following conditions:

- i. The Applicant shall furnish a personal bond in the sum of ₹20,000/- with two sureties of the like amount to the satisfaction of the Trial Court.
- ii. The Applicant shall not leave Delhi NCR without the permission of the learned Trial Court.
- iii. The Applicant shall not directly or indirectly make any



inducement, threat or promise to any person acquainted with the facts of the case or the Complainant.

- iv. The Applicant shall not tamper with the evidence or influence any of the witnesses of the case, in any manner whatsoever.
- v. The Applicant shall inform the SHO, PS Jaffarpur Kalan, in writing, about his residential address and mobile number and shall not change the same during the period of the interim bail.
- vi. The Applicant shall keep the mobile phone switched on at all times.

14. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek cancellation of the interim bail.

15. A copy of the present order shall be sent to the concerned Jail Superintendent for necessary compliance.

16. In view of the above, the present Application is allowed with the aforesaid directions.

17. The order be given *dasti*, under the signature of the Court Master.

TEJAS KARIA, J
(VACATION JUDGE)

JUNE 16, 2025/sms

Click here to check corrigendum, if any