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

+ **BAIL APPLN. 4535/2025 & CRL.M.A. 35026/2025**

SUNITA SONI

.....Applicant

Through: Ms. Anu Narula, Mr. Robin Sun,
Adv.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP for
State with Insp. Pankaj Kumar
Thakur, E.O.W, SI Dharmendra
Sharma, PS:. Patel Nagar, Delhi
Mr. Anuj Kapoor and Mr.
Nandeesh Nanda, Advocates for
Complainant.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

11.03.2026

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1. By virtue of the present application under *Section 483* read with *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the applicant seeks grant of regular bail in proceedings arising out of FIR No.414/2021 dated 16.08.2021 registered at PS: Patel Nagar, Delhi, for the commission of offences punishable under *Sections 302/394/397/34* of the Indian Penal Code, 1860 (**IPC**).

2. *Succinctly put*, the present FIR was registered based on a complaint of the complainant Mr. Pritpal Singh alleging that on 15.08.2021, he alongwith his family had gone for a lunch and meanwhile the deceased, i.e., Ms. Sarita (*house help*) and two electricians, namely, Anil Soni and Rahul Kumar, were at his house. Upon return to the house, he found the



deceased lying in a pool of blood. Though the deceased was taken to BLK Hospital, however, she was declared bought dead. After analysing the CCTV footage, the co-accused persons were seen carrying a bag full of valuables. As such, the present FIR was registered.

3. During investigation, the co-accused Mr. Rahul Kumar was arrested from Bihar and an amount of Rs.18,65,000/- was recovered from him. Thereafter, based on his disclosure statement, the other co-accused, Mr. Anil Soni was arrested from a rented accommodation in Panipat, Haryana. Then, based on his disclosure statement, it was confirmed that the applicant herein was a part of the conspiracy to rob the complainant. Thus, based thereon, on 20.08.2021, the applicant herein was apprehended and the stolen amount of Rs.7,50,000/- was also recovered from her.

4. The charge-sheet has already been filed on 14.11.2021 before the learned Trial Court, and the charges have also been framed on 18.05.2023. Currently the matter is at the stage of prosecution evidence.

5. As per the learned counsel for applicant, since the applicant is neither named in the FIR nor was she present at the place whence the incident took place and as she was primarily arrested on the basis of the disclosure statements of the co-accused persons, she is entitled for grant of regular bail. Further, she has two minor daughters who need the care of their mother/ applicant since the co-accused, Mr. Anil Soni, the husband of the applicant is also facing incarceration in the same FIR.

6. Lastly, the learned counsel submits that only three witnesses out of thirty six witnesses have been examined and the same tantamount to pre-trial incarceration in violation of *Article 21* of Constitution of India as held in *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari vs. State of*



Uttar Pradesh: 2024 SCC OnLine SC 1822, Sangram Sadashiv Suryavanshi vs. State of Maharashtra: 2024 SCC OnLine SC 3526 and Prabhakar Tewari vs. State of Uttar Pradesh: AIRONLINE 2020 SC 96, thus, the applicant is further entitled for grant of regular bail.

7. *Per contra*, learned APP for the State, whilst relying upon the Status Report, submits that the charges against the applicant are grave in nature as she was actively involved in the conspiracy with the co-accused persons, and they hatched a plan to commit the murder of the deceased and to rob valuable articles and cash from the complainant's residence. Also, during the time of the incident, the applicant was in constant touch with the other co-accused persons *via* mobile phone as per the CDRs of the co-accused persons. In fact, partial amount of robbery was recovered from the possession of the applicant.

8. Learned APP also submits that since the applicant is presently facing trial for serious offences, and the prosecution witnesses examined so far have substantially fortified the prosecution's case as also that several other public witnesses are yet to be examined in the present matter, therefore there exists a high likelihood of her, absconding, if released on bail.

9. Supporting the above, learned counsel for the complainant submits that the applicant herein was actively involved in the conspiracy along with the co-accused persons.

10. As such, both learned APP and the learned counsel for the complainant seeks dismissal of the present application.

11. Heard learned counsel for the applicant as also the learned APP for the State and the learned counsel for the complainant as also perused the



documents and Status Report on record and the judgments cited by them at the bar.

12. In view of the facts and circumstances, it cannot be denied that the applicant is a first time offender not named in the present FIR and has hardly any role (of significance) attributable to her, more so, since she was not present at the spot of occurrence. In fact, the CCTV footage does not demonstrate her involvement. Lastly, she is the mother of two minor daughters who require due care of at least of one parent, considering that the father, i.e., the co-accused, Mr. Anil Soni is also facing incarceration in the present FIR. Thus, under the aforesaid circumstances, the applicant, in the opinion of this Court, can be released on bail.

13. Accordingly, the present application is allowed and the applicant be released on regular bail in FIR No.414/2021 dated 16.08.2021 registered at PS: Patel Nagar, Delhi under *Sections 302/394/397/34* of the IPC, upon her furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand*] along with one surety of the like amount by a family member/ friend having no criminal case pending against him/ her and subject to the satisfaction of the learned Trial Court, and further subject to the following conditions:

- i. Applicant shall not leave NCT of Delhi without prior permission of this Court and shall ordinarily reside at the address as per prison records. If she wishes to change her residential address, she shall immediately intimate about the same to the Jail Superintendent by way of an affidavit.
- ii. Applicant shall surrender her passport, if any, to the IO, within three days.



- iii. Applicant shall appear before the Court as and when the matter is taken up for hearing.
 - iv. Applicant shall provide all her mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not be switch off or change the mobile number without prior intimation to the IO concerned. Mobile location be kept on at all times.
 - v. Applicant shall report to the IO at PS.: Patel Nagar, Delhi once every month in the first week of the month unless leave of every such absence is obtained from the learned Trial Court.
 - vi. Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, or tamper with the evidence of the case.
14. Accordingly, the present application along with the pending application is allowed and disposed of in the above terms.
15. Copy of this order be sent to the concerned Jail Superintendent for information and compliance thereof.
16. Needless to say, observations made hereinabove, if any, on the merits of the matter, are purely for the purposes of adjudicating the present application and shall not be construed as an expression on merits therein.

SAURABH BANERJEE, J.

MARCH 11, 2026/So/AKS