

State Vs. Akash @ Kaku & Ors. (applicant Bhanu @ Kunal)

CNR No.: DLCT01-003359-2024

SC No.: 147/2024

FIR No.: 587/2023

P.S.: Nabi Karim

02.02.2026

Present: Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. P. K. Garg, Ld. Counsel for the
applicant/accused, namely, Bhanu @ Kunal.

ORDER

1. The present application has been moved under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*), on behalf of accused, namely, Bhanu @ Kunal (*hereinafter referred to as the 'applicant'*), seeking interim bail for a period of 15 (fifteen) days, to enable the applicant to attend the marriage of his brother-in-law, namely, Kabir.

2. Ld. Counsel for the applicant outrightly submitted that the marriage of the brother-in-law of the applicant, namely, Kabir with one Ms. Sonam, is scheduled to be solemnized on 22.02.2026. In this regard, Ld. Counsel further submitted that the applicant, being the brother-in-law and the only adult responsible male member of his family, has to make arrangements for the said marriage and is duty bound to perform certain ritualistic ceremonies. Ld. Counsel further submitted that presence of the applicant is necessary to perform the ritualistic ceremonies in the said marriage as his father-in-law has already left for heavenly abode and that the applicant is required to attend the said ceremonies. Further, Ld. Counsel has submitted that the applicant has been in judicial custody since December, 2023, investigation in the present case is already concluded, the charge-sheet has

already been filed and the matter is pending for recording of evidence of the prosecution witnesses. Accordingly, as per the Ld. Counsel, there is no requirement of the applicant for further investigation and considering that the applicant is languishing in custody for quite some time, without any chance of conclusion of trial any time in near future, the present is a fit case to grant the relief, as prayed for, in favour of the applicant. Consequently, Ld. Counsel for the applicant submitted that the other co-accused, namely, Neeraj @ Khujjal has already been granted regular bail by the Hon'ble High Court of Delhi *vide* order dated 28.01.2026. Lastly, it was submitted that the applicant has deep roots in the society and belongs to a respectable family, therefore, there are no chances of applicant misusing the liberty of interim bail, if granted by this Court and the applicant is ready to abide by any terms and conditions which may be imposed by this Court while granting bail. Accordingly, Ld. Counsel submits that the present application may be allowed and the applicant be granted interim bail.

3. *Per contra*, Ld. Addl. PP for the State contended that from a perusal of the charge-sheet and documents placed on record, the active role and complicity of the applicant in the instant case is clearly demonstrable. Ld. Addl. PP for the State further submitted that the applicant is involved in crime of heinous nature and there is a reasonable likelihood that the applicant would jump bail if the said concession is granted by this Court. It was further submitted by the Ld. Addl. PP for the State that there are other family members, relatives and friends who can perform the alleged ritualistic ceremonies in the marriage of brother-in-law of the applicant. Even otherwise, as

per the Ld. Addl. PP for the State, no emergent circumstances are demonstrable by the applicant, which would convince this court to grant any indulgence in favour of the applicant.

4. The arguments of Ld. Counsel for applicant and that of Ld. Addl. PP for the State have been heard as well as case record(s), thoroughly perused.

5. At the outset, it is observed from a perusal of the reply filed by the concerned IO that the factum of marriage of Mr. Kabir, brother-in-law of the applicant with Ms. Sonam on 22.02.2026, stands confirmed/verified. It has also been confirmed that the family of the applicant is comprising of his mother-in-law Smt. Sanjana as well as his sister-in-law Smt. Himanshi and his wife Smt. Tanu @ Laxmi, besides the applicant's brother-in-law, namely, Kabir, who is to be wed. Relevant extracts of the said report are reproduced as under;

“...With regard to interim bail application of accused/applicant Bhanu @ Kunal, it is submitted that in the process of verification of factum of marriage, visit was made, it revealed that in the family of in-law's of applicant/accused Bhanu @ Kunal, there is his mother in-law namely Sanjana, brother in-law namely Kabir. sister-in-law namely Ms. Himanshi, and Ms. Tanu @ Laxmi (wife of applicant/accused). It revealed that father-in-law of applicant/accused Sanjay expired in 2018. Ms. Sanjana (mother-in-law) is doing 'chauka bartan' in the nearby colonies, Kabir (brother-in-law) is working as a helper at a cloth shop, at Karol bagh, Delhi, Ms. Himanshi (sister-in-law) is married with Monu (brother of applicant/accused Bhanu) and living at Uttam nagar, Delhi. Ms. Tanu @ Laxmi w/o applicant/accused Bhanu @ Kunal is a house wife and presently residing at her maternal house. Inquiry was also conducted at the house of applicant/accused Bhanu, it revealed that his mother and father is already expired and his brother Monu, who is married with Himanshi above is residing at Uttam Nagar, Delhi.

In the process of verifications, original

marriage card was obtained and statement of nearby residents were also obtained, who corroborated the facts mentioned above and stated that marriage of Kabir is to be solemnized on 22-02-26.

It is submitted that brother in-law of applicant is major and can manage the things with the help of his mother and sister. Applicant/accused Bhanu @ Kunal is involved in number of cases and he may jump the bail. In the interest of justice and gravity of offence, present bail application may please be dismissed. Involvement of applicant/accused Bhanu @ Kunal is enclosed herewith and it is humbly submitted that my personal appearance may please be exempted..."
(Emphasis supplied)

6. Consequently, in light of the above, this Court finds it difficult to be convinced with the arguments of the Ld. Counsel for the applicant that there is no one else except the applicant to take care of the said ceremonies and that his presence is incumbent to make any arrangements, as contented by the Ld. Counsel. On the contrary, except for Mr. Kabir, who is to be wed, there are other family members in the family of the applicant /applicant's wife who can take care of the ceremonies, if any to be performed. Even otherwise, this Court is cognizant of the settled law governing the grant of interim bail, *i.e.* such a relief may be granted only under compelling circumstances (Refer to; ***Athar Pervez v. State, 2016 SCC OnLine Del 6662***). However, for the reasons noted hereinunder, no compelling ground and/or reason is demonstrable on behalf of the applicant. Needless to mention, attending marriage and other ceremonies of applicant's brother-in-law is not that kind of exceptional circumstance, convincing this Court to grant any indulgence at this stage.

7. Consequently, in conspectus of the above and further keeping in view the nature and gravity of the case/offence, the fact of applicant is involved in a crime of heinous nature; severity of punishment; manner of commission of offence and the apprehension expressed that if granted bail, the applicant might flee from justice, this Court **does not deem it fit to grant interim bail to the applicant at this stage.** Needless, to further reiterate that the applicant has further failed to establish any compelling reasons for grant of interim bail at this stage.

8. Accordingly, the application for interim bail in respect of the applicant, namely, Bhanu @ Kunal is ***dismissed***. However, at this stage, this Court deems it pertinent to note that any application for **custody parole** may be considered by this Court, if/ as and when moved by/ on behalf of the applicant.

9. A copy of the present order be given ***dasti*** to the Ld. Counsel for the applicant, namely, Bhanu @ Kunal. Further, a **copy of this order be sent to the concerned Jail Superintendent with the direction to hand over** a copy of order to the applicant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
02.02.2026