

IA No. 31/2026
SC No. 28374/2016
State Vs. Sunil @ Kesto & Ors.
FIR No. 491/2015
PS: Subzi Mandi
U/s: 307/120 IPC & 25/27 Arms Act

21.02.2026

This is the application under Sec. 483 BNSS filed on behalf of applicant/accused namely Sunny @ Rakesh for grant of interim bail.

Present : Sh. Shreyas Pragyanan, Ld. Addl. PP for the State.
Sh. Shaanu Baghel, Ld. Counsel for applicant/
accused.
SI Vibhu Sharma in person.

Ld. Counsel for accused/applicant submits that no bail application is pending before the Hon'ble High Court of Delhi and Hon'ble Supreme Court of India.

Reply to the bail application has been filed. Same is taken on record.

The accused/applicant is stated to have committed offences punishable u/s 307/120 IPC & 25/27 Arms Act.

Ld. Counsel for the accused/applicant submits that the wife of accused/applicant had fallen from stairs 04 months back due to which she has to undergo a surgery for which some arrangements are to be made by the accused/applicant. He submits that there is no one in the family to take care of the wife of accused/applicant. On pointing out by this Court with respect to the availability of parents of accused/applicant residing in

Delhi and brother of accused/applicant residing at Faridabad, Ld. Counsel for accused/applicant submits that accused had married against the wishes of his family members and hence he does not have cordial relationship with them. He further submits that family members of wife of accused/applicant also do not have cordial relationship with the wife of accused/applicant. He submits that accused/applicant may be granted 06 weeks interim bail for the above-said purpose.

Per contra, Ld. Addl PP for the State that accused/applicant is involved in more than 45 other cases and the present case pertains to attempt to murder of a witness of double murder case in which accused was facing trial. He further submits that the parents of accused/applicant are residing in Delhi and he has cordial relationship with them as in the year 2024, accused/applicant was granted interim bail by The Hon'ble High Court of Delhi for the surgery of his father. He further submits that brother of accused/applicant is residing in Faridabad with his family and he can take care of the wife of accused/applicant for the purpose of her surgery. He also submits that family members of wife of accused/applicant can also take care of her. He submits that in the year 2024, accused/applicant was granted interim bail for the surgery of his father and thereafter he absconded and was arrested after about 10 months. He further submits that now the trial in the present case has been made time bound by The Hon'ble High Court of Delhi. He further submits that if the accused/applicant is granted bail, he will abscond again and may commit offences of similar nature.

He further submits that keeping in view the gravity of offence, previous conduct of accused and previous involvement of accused/applicant, the present bail application of the accused/applicant should be dismissed.

I have heard the submissions and perused the record.

As per the reply filed by the IO, the surgery of the wife of the accused/applicant has been scheduled for 23.02.2026 at Chawla Medical Centre, Delhi. On the perusal of medical documents, it is revealed that wife of accused/applicant approached the Doctor for the first time on 20.01.2026 after 04 months of her falling from the stairs. No medical documents w.r.t injury caused from falling from stairs and the treatment taken by her during those 04 months has been placed on record. This raises serious doubts w.r.t the incident of falling from the stairs.

The parents of accused/applicant, brother of accused/applicant and family members of wife of accused/applicant are available to take care of her at the time of surgery. The accused/applicant was granted interim bail for the surgery of his father vide order dated 06.02.2024 which shows that the accused/applicant has cordial relationship with his parents/family members and a false submission has been made in this regard.

The previous conduct of accused/applicant is a relevant factor for the purpose of deciding the present bail application. Vide order dated 06.02.2024, Hon'ble High Court of Delhi was pleased to grant interim bail to the accused/applicant

for the purpose of surgery of his father which was extended twice. After grant of interim bail by the Hon'ble High Court of Delhi, accused/applicant absconded and did not surrender before the Jail Authorities. NBWs were issued against accused/applicant but he was not traceable. Thereafter process under Section 82 Cr.P.C was issued against the accused/applicant but he could not be traced. After about 10 months, he was arrested in another case i.e. FIR no. 253/2024, PS Crime Branch. Due to absconding of accused/applicant, the trial in the present case was stalled for a period of about 10 months. Keeping in view the previous conduct of accused/applicant, this Court is of considered opinion that if the accused/applicant is granted interim bail, there is strong apprehension that accused may again abscond.

In a connected double murder case, co-accused namely Surender and Deepesh @ Deepu were declared PO and after their arrest, PWs from serial no. 1 to 32 are being re-examined in that case. The said witnesses may be influenced by the accused/applicant as on previous occasion accused/applicant and his associates had attempted to kill a witness and the present FIR was registered against him and his associates which is pending trial.

The accused/applicant is involved in more than 45 cases. The present case is a case of attempt to murder of a witness in double murder case. The family members of accused/applicant and his relatives are available to take care of the wife of the accused/applicant.

Keeping in view the gravity of the offence, previous

involvement of accused/applicant in more than 45 criminal cases, availability of family members of accused/applicant to take care of the wife of accused/applicant, absconding of accused/applicant during the interim bail period, stage of trial and facts and circumstances of the present case, I do not find any merit in the present bail application.

Accordingly, the present bail application filed under Section 483 BNSS for grant of interim bail is hereby dismissed.

The observations made herein shall not have any effect on the merit of case.

The bail application stands disposed off accordingly.

Copy of this order be given Dasti to all concerned.

(Virender Kumar Kharta)
ASJ/FTC-02(CENTRAL)
TIS HAZARI COURTS:DELHI :21.02.2026