

FIR No.691/25

PS Kotwali

State v.Sohail

23.05.2026

Present: Sh. Alok Saxena, Ld. CPP for the State.
Ms. Kusum Sapna, Ld. Counsel for applicant /
accused Sohail.

Arguments heard. Put up at 2:00 p.m.for orders.

(Nishant Garg)
ASJ-06 (Central),
Tis Hazari Courts, Delhi
23.05.2026

At 2:00 p.m.

ORDER

This order shall dispose of the application filed on behalf of accused Sohail seeking regular bail u/s 483 BNSS. The bail application is contested by the prosecution.

Ld. Counsel for accused / applicant Sohail submitted that he has been falsely implicated; he has been in custody since 23.07.2025; co-accused Mohd. Kaif is already on bail; accused / applicant Sohail was arrested only on the disclosure statement of co-accused Alok Nath Mishra; there is no evidence to connect him with the offence; chargesheet has been filed.

Ld. Counsel for accused / applicant Sohail further submitted that 15 months old son of accused / applicant Sohail is severely ill; for his treatment, the accused / applicant Sohail was admitted to interim bail for 07 days; he has not misused the liberty granted to him; during the period of interim bail granted to him, the child was taken to Dr.Vinit Suri; further funds are required for the purpose of treatment of the son of accused /

applicant Sohail; the accused / applicant Sohail is the only one who is looking after his old parents; unmarried sister, wife and child; the accused / applicant Sohail was taken by co-accused Mohd. Kaif to the house of the complainant on the pretext of a meeting but he was not aware of the intention to commit robbery.

Ld. CPP for the State, on the other hand, submitted that accused / applicant Sohail was seen in the CCTV footage and was identified by the complainant. Hence, the bail application is liable to be dismissed.

I have considered the rival submissions and have gone through the case file.

The present FIR was registered on the complaint of complainant Bhimsen who stated that on 19.07.2025 at about 11:00 am, when he alongwith his family was at home, three persons entered his house and committed robbery at gun point; complainant Bhimsen and his family members were confined in the kitchen and the robbers closed the door from outside.

During investigation, CCTV footage of the camera installed in the lane outside complainant's house was checked in which three persons could be seen coming at about 10.50 am and leaving at about 11:26 am. On the basis of CCTV footage and secret information, co-accused Alok Nath Mishra was arrested; during PC Remand of Alok Nath Mishra, accused/applicant Sohail Malik was arrested. One looted mobile phone was recovered from accused/applicant Sohail Malik. The cloth which he was wearing at the time of the offence were also recovered at

his instance. The accused/applicant Sohail Malik was correctly identified by the complainant and his grandson in TIP proceedings.

The accused/applicant Sohail Malik cannot claim parity with co-accused Mohd. Kaif as the order dated 03.02.2026 of the Hon'ble High Court clearly shows that co-accused Mohd. Kaif was granted bail as no recovery had taken place from him or at his instance and the nature of evidence against him did not refer to any financial aspect or the offence.

The first bail application of accused / applicant Sohail was dismissed vide order dated 26.02.2026; at that time, no ground of the illness of his son was taken. Thereafter, the accused has sought interim bail for four weeks on the ground of surgery of his father which was dismissed vide order dated 23.03.2026. Thereafter, the accused / applicant Sohail was granted interim bail for 07 days for the purpose of arranging funds for the treatment of his son vide order dated 22.04.2026; however, during argument, Ld. Counsel for the accused submitted that no funds were arranged by the applicant / accused Sohail during the said period, though, he had taken his son to the doctor.

The accused/applicant Sohail Malik's involvement is apparent from the CCTV footage; he has been identified by the complainant and his grandson in TIP proceedings; one looted mobile phone was also recovered at his instance. Charge is yet to be framed; public witnesses are yet to be examined. Considering the nature and gravity of the offence, I do not consider it to be fit

case for grant of bail. **The bail application is accordingly dismissed.**

Copy of the order be given dasti to Ld. Counsel for accused/applicant.

Copy of the order be sent to jail.

(Nishant Garg)
ASJ-06 (Central),
Tis Hazari Courts, Delhi
23.05.2026