

SC 436/2021
STATE Vs. SUSHIL KUMAR ETC (13)
FIR No. 218/2021
PS Crime Branch-North Delhi
U/s: 302/307/308/364/365/452/323/342/188/
269/147/148/149/506(II)/392/394/397/411/201/109/120B/34 IPC
U/s 25(1)(B)/27(1)Arms Act

09.10.2025

File taken up today on an application U/s. 439 Cr. P. C
for grant of bail moved on behalf of applicant/accused **Anirudh
Dhaiya.**

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Ms. Joshini Tuli, Ld. Counsel for complainant
appearing **through VC.**
Sh. Deepak Chhillar, Ld. Proxy Counsel for
Sh. Pradeep Rana, Ld. Counsel for
applicant/accused.

Arguments on the present application has been heard
yesterday.

Ld. Counsel for applicant/accused submits that
applicant/accused is in JC since 10.06.2021 and he has been
falsely implicated in the present case. It is further submitted that
applicant/accused has nothing to do with the alleged offence. It is
further submitted that present case is at the stage of evidence and
star witnesses of the present case has already been examined and
discharged and they have not supported the case of the
prosecution, which evidently depicts that fact that the
applicant/accused is not required for further incarceration in
judicial custody. It is further submitted that the absence of the
applicant's name in the FIR indicates that there was no

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immediate suspicion or involvement attributed to the applicant/accused at the time of registering the FIR. This omission raises significant doubts about the applicant's/accused's alleged role in the commission of the offence and undermines the credibility of the prosecution's case. It is further submitted that the failure to name the applicant/accused in the FIR suggests that the investigation, at its inception, did not find any substantial evidence linking the applicant/accused to the crime. It is further submitted that investigating agency designated victim Jai Bhagwan @ Sonu as its primary witness and allegedly coerced him into providing varying statements at different times, which ultimately served as the foundation for their fabricated narrative. It is further submitted that this narrative appears to have been influenced by external media trials occurring concurrently. It is further submitted that applicant/accused is a young boy. It is prayed that above said application may kindly be allowed.

Ld. Counsel for applicant/accused has relied upon case laws:-

(i) "Javed Gulam Nabi Shaikh v. State of Maharashtra & Anr." dated July 3, 2024, SLP (Crl.) No. 3809/2024, Hon'ble Supreme Court of India.

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(ii) “Nikesh Tarachand Shah v. Union of India” 2018 (11) SCC 1 and P. Chidambaram v. Directorate of Enforcement AIR 2019 SC 5272.

(iii) “Sh. Sumer Singh v. State”, Bail Application No. 750/2007, Hon’ble High Court of Delhi

(iv) “ Hon’ble Supreme Court of India in Babubhai v. State of Gujrat & Ors.” MANU/SC/00643/2010:(2010) 12 SCC 254.

(v) “Rohit v. State”, Bail Appln. No. 878/2016, Hon’ble HighCourt of Delhi.

(vi) “Akash Kumar v. State”, Bail Application No. 3793/2023, Hon’ble HighCourt of Delhi

On the other hand, Ld. Additional PP for State with the help of Ld. Counsel for complainant has strongly opposed the present bail application and it is submitted that allegations against the applicant/accused are serious in nature. It is argued that bail granted to co-accused Sushil Kumar by Hon’ble High Court of Delhi has also been cancelled by Hon’ble Supreme Court of India. It is argued that role of applicant/accused in commission of alleged offence has been mentioned by one of the eye witnesses in his examination-in-chief and that

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applicant/accused has played active role in commission of the alleged offences, therefore, it is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that vide order dated 15.10.2022, charges for the offences U/s. 302/ 307/ 308/ 364/ 365/452/323/342/188/269/147/148/149/506(II)/392/394/397/411/ 201/109/120B/34 IPC & U/s 25(1)(B)/27(1)Arms Act have been framed against applicant/accused and his co-accused persons and the present case is at the stage of recording of prosecution evidence. Perusal of the testimony of an eye witness shows that applicant/accused **Anirudh Dhaiya** had actively participated in commission of the alleged offences alongwith his co-accused persons. Further, IO has pointed out that as per the investigation conducted by him CDR of the applicant/accused **Anirudh Dhaiya** shows that he was present at different places, where the alleged offences were committed and he is also stated to be visible in an Alto car during the commission of alleged offences. Further, as per

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the reply filed by IO, applicant/accused **Anirudh Dhaiya** is also visible in a video clip recovered in the mobile phone of co-accused Prince and he is equipped with LATHI/DANDA/Hockey stick beating deceased /injured Sagar and Jai Bhagwan @ Sonu brutally and mercilessly. It is also important to mention that bail granted to co-accused Sushil Kumar has been cancelled by Hon'ble Supreme Court of India vide order dated 13.08.2025. Trial of the present case is in progress. The allegations against applicant/accused **Anirudh Dhaiya** are serious in nature.

Keeping in view of the seriousness of allegations leveled against applicant/accused **Anirudh Dhaiya** as well as seriousness and gravity of offences alleged against him, this Court is not inclined to allow the bail application filed by applicant/accused **Anirudh Dhaiya**. Same is dismissed, accordingly.

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the applicant/accused.** The present bail application along with the proceedings be tagged along with main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
09.10.2025