

IA 13-26 in SC 762-24
State Vs. Toni @ Vikas
FIR No. 526/24
PS : Bhalaswa Dairy

31.01.2026

Matter is being taken up today on an application u/s 483 BNSS moved on behalf of applicant/accused seeking regular bail.

Ld. Regular Addl. PP for the State is on leave today.
One regular Stenographer is on leave today.

Present : Sh. Gyanendra Mishra, Ld.Subs. Addl. PP for the State.
Ld. Counsel for the applicant/accused.
Complainant in person.

1. This is **third** application **u/s 483 BNSS** moved on behalf of applicant/**accused Toni @ Vikas** seeking **regular bail**. It is a matter of record that earlier bail application of accused/applicant has been dismissed vide reasoned order dated 21.08.2025 of this Court. 2. IO has filed reply. Same is taken on record.

3. Arguments heard. Record perused. Ld. Counsel for the applicant/accused seeks bail for the applicant/accused on the following grounds :- (i) a settlement has taken place between the accused/applicant and the complainant; (ii) complainant is present in the Court and he has no objection, if bail is granted to the accused/applicant; (iii) accused/applicant is the sole bread earner of his family and there is no other male member in his family; (iv) the applicant/accused is in JC for more than 18 months; (v) trial is at initial stage and charge is yet to be framed; (vi) it will take considerably long time to conclude the trial and he cannot be kept in

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JC for an indefinite period; (vii) even the final opinion on MLC of the injured is yet to be filed on record by the IO; (viii) as regards the previous involvement in murder case, the applicant/accused has been acquitted in the said case; (ix) even FSL result in respect of weapon of offence and Sanction under Section 39 Arms Act is yet to be filed; (x) accused/applicant was granted interim bail on multiple occasions in the past, however, he did not misuse the liberty granted to him and surrendered before the Jail authorities well in time; (xi) It is a matter of record that daughter of accused is ill and is suffering from urine infection and other than the accused/applicant there is no one else in the family to take care of his ailing daughter.

4. Ld. Subs. Addl. PP for the State has strongly opposed the present application and has prayed for its dismissal.

5. I have heard Ld. Counsel for the applicant/accused, Ld. Addl. PP for the State and have perused the record. I have also given oral hearing to the complainant Sheikh Ali, who submits that accused/applicant is his neighbour and he is willing to forgive him and has no objection if bail is granted to the accused/applicant.

6. The allegations against the applicant/accused, as per the chargesheet, are that injured Sheikh Halim was admitted to BJRM Hospital, Delhi, on 11.07.2024 with the alleged history of physical assault (gun shot); subsequently, the statement of another injured Shan Mohd. was also recorded to the effect that on 10.07.2024 when

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he was travelling in an e-rickshaw at about 11 pm near OYO Hotel, 101 bus stand, Bhalswa Dairy, Delhi, he saw that some people were quarreling with each other; he got down from the e-rickshaw and the driver of the said e-rickshaw fled away from the scene leaving his e-rickshaw; both the quarreling parties started firing on each other due to which, he (Shan Mohd.) ran towards mangal bazar; at that point, one boy told the other boy "*Tony bhai yet bhi Deepak passion ka saathi hai, goli chalaao*", upon this, the boy named Tony @ Vikas fired upon the complainant which hit his foot. As per further allegations, in the meantime, accused Tony @ Vikas and two other boys came to the complainant carrying wooden sticks and iron pipes in their hands and attacked the complainant; at that point, police siren was heard due to which, accused persons fled away from the spot.

7. Statement of another public witness Deepak @ Passion was also recorded by the IO u/s 180 BNSS (161 Cr.PC), wherein he stated that on 10.07.2024 at around 11 pm, applicant/accused Vikram Gupta @ Vicky @ Tinku and his friends namely Shakir and Jishan had met to him and his friends namely Deepak Pandit and Abdul near Bajrang chowk and a quarrel had taken place between them; the above said persons had run towards the applicant/accused and

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accused Tony near piyaa wali gali; he and his friends were also chasing them and they also reached piyaa wali gali where quarrel again took place between them and during that period, Sheikh Halim i.e. brother of Abdul also came on the scene; during the quarrel accused Tony took out a pistol; when Sheikh Halim came forward to save his brother Abdul, the applicant/accused, Shakir and Jishan all said to Tony “*goli maar, goli maar*” and then accused Tony fired upon Halim and the bullet hit on the leg of Halim. The said injured i.e. Sheikh Halim also gave similar statement to the IO.

8. As per the IO, the applicant/accused is also involved in four more criminal cases including one case of murder.

9. The above allegations against the applicant/accused are of grave and serious in nature. Matter is at the stage of charge. Material public witnesses are yet to be examined. Earlier bail application of the accused has been dismissed vide reasoned order dated 21.08.2025. There is no change in circumstances since dismissal of last bail application of the applicant/accused. As the offence alleged against the accused/applicant is non compoundable and he also has previous criminal involvement, the giving of no objection by the complainant cannot be the sole ground to grant bail to the accused/applicant at this stage. In the above facts and

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circumstances and in view of nature and gravity of offence, no ground is made out to grant bail to the applicant/accused, at this stage. **The present application is accordingly dismissed.**

10. Copy of this order be given dasti to the Ld. Counsel for the accused and to the IO and be also sent to Jail Superintendent concerned for information.

11. Put up for purpose fixed on date already fixed i.e. **20.03.2026.**

**(JAGMOHAN SINGH)
ASJ-03, North District
Rohini Courts, Delhi/31.01.2026**