



CNR No. DLCT01-000975-2023

IA No. 05/2024

SC No. 50/2023

State Vs. Mehndi Hasan and Anr.

FIR No. 167/2022

PS Rajinder Nagar

U/s. 395/397/323/34

IPC & Sec. 25/27/54/59 Arms Act

**BAIL APPLICATION OF APPLICANT MEHNDI HASAN
SON OF MOHD. RIYAZ**

14th November, 2024

Present: Sh. Yogender Adari, Ld. Addl. PP for state.

Sh. Arshan Ahmad, Id. Counsel for
applicant/accused Mehndi Hasan.

IO SI Dharmender in person.

1. Reply filed. Copy supplied.
2. This is an application u/s. 439 Cr. P.C. seeking regular bail filed on behalf of the applicant/accused Mehndi Hasan (hereinafter referred to as applicant).
3. It is submitted by Id. Counsel for applicant that the applicant is in custody since 14.06.2022. It is further argued that the applicant has been falsely implicated in this case. It is further argued that applicant has not committed any offence as alleged and no recovery or robbed articles have been affected from the possession of the applicant or his instance and the same is planted one. It is further argued that the charge-sheet has been filed and the matter is at the stage of prosecution evidence. It is further argued

that there is no independent corroboration to the version of the complainant despite being available at the spot as the present incident stated to be happened at the public place. It is further argued that the gun shot was not done by the applicant nor he snatched the articles and there is no recovery of any fire arms from the possession of the applicant or his instance. It is further argued that the applicant is not previously convicted in any previous case. It is argued that the child of the applicant is suffering from severe blood disease and he is presently under treatment in AIIMS Hospital. It is prayed that the applicant be released on bail.

4. The application for grant of bail to the applicant/accused is opposed by the Id. Addl. PP for State. It is submitted that the offence committed by the applicant is grave in nature. It is further submitted that the applicant is of criminal mind and he is seen in the CCTV footage of the incident. It is further submitted that the applicant refused to participate in TIP proceedings. It is further argued that the applicant may jump the bail as the applicant is not the permanent resident of Delhi. It is further argued that the applicant may threaten the complainant and his family, if released on bail. It is prayed that the bail application of the applicant Mehndi Hasan be dismissed.
5. Arguments heard. Record perused.
6. The case of the prosecution is that the present FIR was registered on the statement of complainant Nitin Dhawan

that on 08.06.2022 at around 10.25 p.m., when he was standing downstairs his house alongwith his friends, five persons came in white colour Chevrolet Cruise car and four persons came out and all were armed with pistols, who cocked the pistols and pointed towards him and looted of his golden bracelet (kada 100 gms), gold chain (25gms) and one ring (5-7 gms). At the time of leaving, they also kicked him on his abdomen. Thereafter, they fled away in the car towards New Delhi.

7. During investigation, on the basis of CCTV, the vehicle used in the dacoity was identified which was found to be stolen from Ghaziabad, U.P. The applicant alongwith his co-accused Mohd. Mustkeen were arrested alongwith the aforesaid vehicle and they were also found in possession of arm and ammunition. Both of them refused to participate in TIP proceedings. The other suspects namely Kukar and Aakash has still not been arrested by the investigating agency.
8. The charge u/s. 395/397/323/34 IPC has already been framed against the applicant and the complainant is yet to be examined. The allegations against the applicant are of grave nature involving dacoity and all of the dacoits have not yet been arrested. The safety and security of the eye witness is also a concern which needs consideration.
9. The complainant Nitin Dhawan was partly examined in chief as PW-3 on 02.04.2024 and thereafter, since he was unwell, the matter was adjourned for 31.05.2024.

10. On 31.05.2024, it was reported by the IO that supplementary charge-sheet is to be filed against the co-accused Tauseef and Mohd. Kasif @ Badshah and therefore, the matter was adjourned and was kept awaited for filing of supplementary charge-sheet.
11. The testimony of the complainant is yet not complete. In the present case, the applicant had refused to participate in the TIP proceedings and therefore, his identification is yet to be ascertained during the trial.
12. Considering the overall facts and circumstances of this case, this Court is not inclined to grant bail to the applicant at this stage.
13. Application filed by the applicant Mehndi Hasan for grant of bail is hereby dismissed.
14. Copy of this order be given dasti to Id. Counsel for applicant/accused.
15. Soft as well as hard copy of this order be also sent to the concerned Jail Superintendent for information and necessary action.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
14.11.2024_(VR)