

B.A.No. 450/2023
FIR No. 276/2018
PS Kamla Market
State v. Kamil
U/s 302/304B IPC

-1-

14.12.2023

Present: Sh. Balbir Singh, Additional Public Prosecutor for State.

Sh. Manish Sharma, Legal Aid Counsel for accused-applicant.

This is an application under section 439 Cr.P.C. for grant of bail moved on behalf of accused-applicant **Kamil**.

Learned Legal Aid Counsel for accused contended that accused has been falsely implicated in the present case. Accused and deceased did love marriage against the wishes of parents of the deceased. There is no public witness to prove that accused has committed the murder of deceased. There is no complaint filed against the accused. Mother of the deceased was given time by Learned Predecessor of this Court to produce the said complaint but she could not produce the same. There is no call details between deceased or her parents. Accused is in judicial custody for five and a half years. All the public witnesses have been examined and conclusion of trial would take time. There is no public witness to the factum that accused has given key of the house from where dead body of his wife was recovered. Accused is 28 years old and has clean antecedents.

Learned Additional Public Prosecutor has opposed the bail application on the ground that accused after committing the murder of his wife, himself went to the police station for surrender. The public witnesses have supported the case of prosecution.

-2-

As per case of prosecution, accused has committed murder of his wife and he himself went to the police station and told the police that he had committed the murder of his wife.

Charge for offence under section 302 IPC was framed against the accused, which is serious and grave in nature. PW1 Arif is brother of the deceased who has deposed during trial that on 18.10.2018 her sister (deceased) came at his house in evening time in torn clothes and she was sustained on her thumb of right hand and on his asking her deceased sister told that accused Kamil had beaten her over the issue of money due to which she sustained injury and in the evening time of 19.10.2018 her sister went to her home. PW5 Smt. Shabnam, mother of deceased deposed during trial that in the year 2017 – 2018, the accused had beaten up her daughter and her daughter informed said incident of beating at 11 pm telephonically and thereafter she visited house of her daughter at 11 pm and found that her daughter was beaten up and accused was also present there in the house. On asking, her daughter told her that accused is beating her since long and he time and again demanding dowry and for said reason he is continuously beating her.

PW2 Mohd. Hafiz, has deposed that during the intervening night on 20-21.10.2018 at about 2 am on the asking of SI Navjeet he joined the investigation and thereafter he alongwith police official and accused Kamil reached house no. 159 where accused opened the lock of the door with the key which he took out from right side pocket of his wearing pant and thereafter they entered into the house and saw that dead body of Reshma was lying on

-3-

the floor.

In view of the above, discussion I am not inclined to grant bail to the accused-applicant **Kamil**. Bail application is accordingly **rejected**.

Copy of order be given dasti to the IO, Learned counsel for accused-applicant and be communicated to accused-applicant in Jail through Jail Superintendent.

(Sanjeev Kumar-II)
Special Judge (NDPS)-02
Central District, Tis Hazari Courts,
Delhi / 14.12.2023