



CNR No. DLCT01-000992-2023

IA No. 09/2023

SC No. 52/2023

State Vs. Mustkeen and Ors.

FIR No. 136/2022

PS Rajinder Nagar

U/s. 392/397/34 IPC

REGULAR BAIL APPLICATION OF APPLICANT
MUSTKEEN SON OF MOHD. DILSHAD

06th January, 2024

Present: Sh. Robin Singh, Ld. Addl. PP for state.
Sh. Tarun Kumar Makhija, Id. Counsel for
applicant/accused Mustkeen.
IO SI Awadhesh Narayan in person.

1. Reply filed. Arguments heard.
2. This is an application filed on behalf of the applicant/accused Mustkeen (hereinafter referred to as applicant) for grant of regular bail.
3. It is argued that the applicant is in J.C. since 14.06.2022. It is further argued that the applicant has been falsely implicated in the present case. It is further argued that the applicant is a young man of aged about 25 years and running a small dhaba for earning his livelihood. It is further argued that the applicant has nothing to do with the alleged offence and has been made a scapegoat. It is further argued that the name of the applicant is not mentioned in the FIR. It is further argued that the co-accused Md. Mehndi Hasan and Sultan have already been granted bail in this case. It is further argued that the investigation has been completed, charge-sheet has

already been filed and the applicant is no more required for the purpose of custodial interrogation. It is further argued that there is no direct/indirect evidence against the applicant even as per the case of the prosecution. It is prayed that the applicant be released on bail.

4. Application has been opposed by the Id. Addl. PP for State on the ground that the allegations against the applicant are grave in nature. It is further submitted that the applicant is not the permanent resident of Delhi and he may jump the bail. It is further submitted that the applicant may threaten the complainant, his family and other witnesses, if released on bail. It is prayed that bail application of the applicant Mustkeen may be dismissed.
5. The co-accused Mehndi Hasan has already been released on bail vide order dated 15.12.2023 of Hon'ble Delhi High Court. The other co-accused Sultan has also been admitted on bail on parity ground vide order dated 22.12.2023 of this Court.
6. The role of the applicant and co-accused persons namely Mehndi Hasan and Sultan, is similar. On the principles of parity, the applicant Mustkeen is admitted on bail on furnishing P/B and S/B in a sum of Rs. 30,000/- alongwith with one surety of the like amount subject to following conditions :-

(i) The applicant shall not indulge in any criminal activity or activity of similar offence;

(ii) The applicant shall not leave the country without prior permission of the Court;

(iii) The applicant shall not contact or extend threat or inducement to any of the prosecution witnesses;

(iv) The applicant shall mark his presence on every 2nd and 4th Friday of each English Calender before the concerned Police Station till the completion of the trial.

(v) The applicant shall participate in the trial unless and until his personal appearance is exempted by the Court.

(vi) The applicant shall provide his operational mobile number immediately after release to the Investigating Officer so that he can be contacted any time by the Investigating Officer.

7. Application stands disposed of in above terms.
8. Copy of this order be given dasti to Id. Counsel for applicant/accused.
9. 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
06.01.2024_(VR)