

IA No. 3/2025
SC No. 139/2025
State Vs. Fatima Begum
FIR No. 608/2024
PS: Shastri Park
U/s: 103/115(2)/127(2)/110 of BNS

11.02.2026

**ORDER ON APPLICATION FOR GRANT OF BAIL FILED
ON BEHALF OF THE APPLICANT/ACCUSED FATIMA
BEGUM**

1. This order of mine shall dispose of an application for grant of regular bail filed on behalf of the applicant/accused Fatima Begum.
2. I have already heard Ld. Counsel for the applicant /accused, Ld. Counsel for the complainant and Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused has submitted that the applicant/accused is a peace loving and law abiding citizen of India and she is a permanent resident of the given address and submitted that the applicant/accused was arrested in the present case on 04.09.2025 and since then, she is in judicial custody. He has also submitted that the applicant/accused has been falsely implicated in the present case, as at the time of alleged offence, she was not present at the place of incident. It was argued that on the date of alleged incident, the applicant /accused had gone to a hospital alongwith her daughter and she rushed back to the alleged place of incident as soon as she received a phone call and when she had reached there, the alleged incident had already happened. Even the name of the

applicant/accused is not mentioned in the FIR.

4. Ld. Counsel for the applicant/accused has further submitted that there are numerous complaints/litigation which are already pending between the applicant/accused and complainant and other persons and name of the present applicant/accused has been implicated in the present FIR for creating pressure upon the applicant/accused for vacating her tenanted premises. He has also submitted that the applicant/accused has not caused any injury to the injured or the deceased and nothing incriminating has been recovered from the present applicant/accused or at her instance. Even otherwise, the alleged recovery of the weapon of offence has been effected from the co-accused persons. Moreover, as per the case of the prosecution itself, there is no allegation against the present applicant/accused that she is responsible for the death of the deceased Ritik. Infact, she tried to save the injured and the deceased and it was she, who had called the police.

5. Ld. Counsel for the applicant/accused has further submitted that in the present case, investigation is complete and chargesheet has already been filed and submitted that the applicant/accused is permanent resident of the given address, therefore, there is no likelihood of the applicant/accused either fleeing from justice or absconding, if she is granted bail. He has also submitted that the applicant/accused is not even previously involved in any criminal case, nor she is previously convicted in any criminal case. As per the chargesheet, the prosecution has cited total 25 witnesses and charges against the accused persons are yet to be framed, therefore, it may take long time in completion of the trial. He has also submitted that the applicant

/accused undertakes to appear on each and every date of hearing, if she is released on bail in the present case and she also undertakes to abide by all the terms and conditions, as imposed upon her by the Hon'ble Court and prayed for grant of bail.

6. On the other hand, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that in the present case, the applicant/accused has committed the offences u/s. 103/115(2)/127(2)/110 of BNS and the offences committed by the applicant/accused are serious in nature. He has also submitted that in the present case, the trial is yet to start, as, only chargesheet has been filed in the present case, therefore, there is possibility of hampering with the witnesses and tampering with the evidence, if the applicant /accused is released on bail, so, he does not deserve the concession of bail and prayed for dismissal of the present application under consideration.

7. Ld. Counsel for the complainant has also opposed the present application and argued that it was the present applicant/accused, who had instigated the other accused persons to cause injuries on the deceased, due to which, the deceased had expired. Ld. Counsel further argued that the applicant/accused was present throughout the alleged incident and there are videos of the alleged incident, which clearly show presence of the applicant/accused at the spot.

8. As per the reply filed by the IO, during investigation, the mobile phone of co-accused Faiyaz @ Puma was found containing two videos of the incident, in which, the present applicant/accused was seen with other co-accused persons and

deceased. The offences committed by the applicant/accused alongwith the co-accused persons are serious in nature.

9. I have given thoughtful consideration to the submissions made by counsel for this applicant/accused and Ld. Additional Public Prosecutor for State and perused the record.

10. The perusal of the record reveals that in the case in hand, the investigation is complete and chargesheet has already been filed. As per the chargesheet, the present applicant/accused is alleged to have committed the offences u/s.103/115(2)/127(2)/110 of BNS alongwith the co-accused persons. The offences committed by the applicant/accused alongwith the co-accused persons are serious in nature.

11. As per the case of the prosecution, on 16.12.2024, an information was received, vide DD No. 24A at PS Shastri Park regarding beating of a boy inside a room, after locking it. The said boy was taken to the hospital, where, he had died on the same day, during treatment.

12. Brief facts of the case are that accused Ajmat @ Ajmatulla had suspicion that his wife i.e. injured Mehajbin and deceased Ritik were in illicit relations and on 16.12.2024, when accused Ajmat reached the house of Mehajbin's mother, he had found Mehajbin alongwith Ritik, due to which, he got enraged and called his other friends to the spot, where, all of them gave beatings to Mehajbin as well as Ritik, due to which, Ritik succumbed to his injuries. Thereafter, accused Ajmat and Sarfraj were arrested on 17.12.2024 and accused Rahmatullah was arrested on 30.12.2024.

13. During course of further investigation, co-accused

Faiyaz @ Puma was also arrested on 03.06.2025. During interrogation of accused Faiyaz @ Puma, one mobile phone was seized from his possession, in which two videos were found of the said incident. After going through said videos, the IO found that the applicant/accused Fatima was also present at the spot and subsequently, investigation regarding involvement of accused Fatima was also conducted and on finding sufficient evidence against her, she was also arrested in the present case on 04.09.2025 and since then, she is in judicial custody.

14. So far as the evidence against the applicant/accused is concerned, the only evidence against her is regarding her presence at the spot, which was found in the videos recovered from the mobile phone of accused Faiyaz and disclosure statements of co-accused persons.

15. Ld. Counsel for the applicant/accused has argued that accused Fatima was not at all involved in the commission of the alleged offence. Infact, she had tried to intervene and stopped the accused persons and also she was the one who had called the police at the spot. Ld. Counsel further argued that infact even before the alleged incident, accused Fatima had gone to the hospital alongwith her daughter and she had left the said house even before the incident and it is only when she heard about the incident on phone, she rushed back to the home and when she had returned back, she found that both the injured persons were lying on the floor and she was not involved whatsoever in commission of any offence.

16. Ld. Addl. PP for the State has pointed out that mother of deceased had accompanied the deceased, when he was

being taken to the hospital in an Ambulance and she has very categorically stated that the present applicant/accused was instrumental in influencing the other accused persons to give beatings to the deceased.

17. However, perusal of the record shows that initially statement of deceased's mother was not even recorded by the IO, and it is only when, during arguments in the present bail application, the IO was asked about the same, then only IO recorded her statement and filed the same alongwith the supplementary chargesheet.

18. It is not in dispute that accused Fatima was present at the spot, as her presence can be seen in the videos recovered from the mobile phone of co-accused Faiyaz, however, whether she was present at the spot right from the very beginning or came at the spot after the alleged beatings had already taken place is a matter of trial, which can be decided only after appreciation of the evidence. It is worth noticing that despite having being present at the spot, she was never named as an accused in the present case. Neither any of the witnesses, who were examined initially, nor any of the accused persons, in their disclosure statements, ever named the present applicant/accused, as one of the assailants, or having been involved in any manner in the commission of the alleged offence. The accused persons, as well as the injured persons and the family members of the deceased were very well known to each other, even before the incident. Despite that, the present applicant/accused was never named either in the FIR, or any of the statement of the witnesses. Infact, the present applicant/accused was initially listed as one of the

witnesses in the main chargesheet and her statement was also recorded by the IO.

19. Further, it is worth noticing that when accused Faiyaz was arrested on 03.06.2025 and his mobile phone was seized on his arrest, the IO came to know about involvement of the present applicant/accused immediately after arrest of the accused Faiyaz, despite that no action was taken by the IO against the applicant/accused and she was arrested on 04.09.2025 i.e. almost after three months of the arrest of co-accused Faiyaz, for the reasons, best known to the IO. During arguments, IO had stated that the applicant/accused was absconding, that is why, no action was taken against her. However, when asked as to if the applicant/accused was absconding, whether any warrants of arrest were obtained or not, IO replied that no warrants of arrest were got issued against the present applicant/accused. The submission of the IO that the present applicant/accused was absconding has been falsified by Ld. Counsel for the applicant/accused by filing certain ordersheets on record, which are from Civil Suit filed by the applicant/accused and also from one complaint filed by the applicant/accused.

20. Perusal of those ordersheets shows that during the relevant period, after 03.06.2025 and till 04.09.2025, the applicant/accused was regularly appearing in the court in the said Civil Suit as well as in the said complaint and infact, in the said complaint, an ATR was also filed by one of the police officials of same police station, which was duly forwarded by the concerned SHO. Therefore, the allegation of the IO that the applicant /accused was absconding is not believable.

21. Another fact which is worth mentioning is that when accused Faiyaz was arrested, his disclosure statements were recorded on four occasions and it is only in the 4th statement i.e. on 12.06.2025, he had disclosed involvement of the present applicant/accused. The name of the applicant/accused was never surfaced in his previous three disclosure statements. Although, whether the applicant/accused is involved in the commission of the present offence or not is a matter of trial and it is now well settled that at the time of deciding the bail application, the entire evidence on record is not to be gone through in minute details, yet case for grant of bail in favour of the present applicant /accused is definitely made out, as there are glaring gaps and various unexplained circumstances regarding the involvement of the present applicant/accused in commission of the alleged offence.

22. The Hon'ble High Court of Delhi in case, **Nadeem Chaudhary Vs. State of NCT of Delhi** (Bail Application No. 39/2022) has observed that:

“The object of Jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time. The presence of the accused can be secured at the time of trial by putting appropriate conditions”.

23. The Hon'ble High Court of Delhi relying upon the case, **Deepak Yadav V. State of U.P.**, (2022) 8 SCC 559 has observed that:

“Moreover, it is settled law that this Court at the stage of granting bail to the applicant is only to look into the (i)

the nature and gravity of the offences/charges coupled with the severity of punishment in case of conviction; and (ii) if there is any chances of the accused absconding once out of bail; and (iii) if there is a reasonable apprehension of the accused influencing the witnesses or tampering the records when released on bail; and (iv) the past conduct and previous record of the accused as he should neither be a threat to the society of which he is going to be a part of once again nor there should be any change of his repeating the same or indulging in any other offence; and (v) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; and (vi) behaviour, means, position and standing of the accused in the society”.

24. The Hon’ble High Court of Delhi in another case, **Raghav Thakur Vs. State** (Bail Application No. 1397/2023) has also observed that:

“The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. Apart from the seriousness of the offence, other factors also have to be borne in mind while considering the bail application. Delay in commencement and/or conclusion of trial is also to be taken into account and the accused cannot be kept in custody for indefinite period, if the trial is likely to take long time”.

25. Considering the overall facts and circumstances of the present case and the fact that in the present case, the investigation is complete and chargesheet has already been filed, trial is not likely to be concluded soon, as the prosecution has cited total 25 witnesses, the applicant/accused is in judicial custody since 04.09.2025, and in view of the peculiar circumstances regarding involvement of the present applicant /accused as discussed above, the applicant/accused Fatima Begum is ordered to be released on bail on furnishing personal

bond in the sum of Rs.50,000/- with two sureties of like amount each and also subject to the following conditions:

- (1). She will not come in contact with the complainant or any of the witnesses of the prosecution.
- (2). She will not tamper with the evidence of the prosecution.
- (3). She will not indulge in any other criminal activity of similar nature in future.
- (4). She will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the court or the IO.
- (5). She will appear on each and every date of hearing, without fail.

26. In case, if she violates any of the above conditions, the prosecution will be at liberty to file application for cancellation of bail of this accused.

27. In the abovesaid terms, the application for grant of bail filed on behalf of the applicant/accused Fatima Begum stands **allowed**.

28. Dasti copies of this order be provided to the parties.

29. Attested copy of this order be sent to the Superintendent of Central Jail concerned for supplying the same to this applicant/accused.

(PUNEET PAHWA)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/11.02.2026**