

IA No. 03/2025
SC No. 162/2023
State Vs. Mohd. Ansar
FIR No. 271/2023
PS: Dayalpur
U/s: 498-A/304-B IPC

18.07.2025

**ORDER ON APPLICATION GRANT OF BAIL FILED ON
BEHALF OF THE APPLICANT/ACCUSED MOHD. ANSAR**

1. This order of mine shall dispose of an application for grant of bail filed on behalf of the applicant/accused Mohd. Ansar.
2. I have already heard the counsel for the applicant /accused and Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for applicant/accused Mohd. Ansar submitted that the applicant/accused is a permanent resident of Delhi and belongs to respectable family and he has been falsely implicated in the present case and submitted that in the present case, chargesheet has already been filed and case is at the stage of evidence of the prosecution and also submitted that the applicant/accused was arrested by the police in the present case on 25.03.2023 and since then, he is in judicial custody and he has spent incarceration for about 2 years & 4 months. Even nothing has been recovered from the applicant and in the absence of recovery of any incriminating material, it is difficult to establish the offense.
4. Ld. Counsel for applicant/accused further submitted that earlier two bail applications of the present applicant/accused were withdrawn without pressing the same, as the statement of

the complainant had not been recorded till then and submitted that now, the complainant and other material witnesses have been examined and cross-examined and submitted that there is no eye-witness to the alleged incident and no direct evidence on record against the applicant/accused regarding his involvement or harassment and also submitted that the FIR itself is lodged after considerable delay which seems to be based on assumptions.

5. Ld. Counsel for applicant/accused further submitted that the applicant/accused is having a son aged about 3-4 years and after the arrest of the applicant/accused, there is no one to look after the minor child, except the old aged ailing grandparents and also submitted that prolonged incarceration during the pendency of trial would amount to pre-trial punishment to the applicant/accused, which is impermissible in law and also submitted that the applicant/accused undertakes to abide by all terms and conditions imposed by this Hon'ble court while granting his bail and also submitted that the applicant /accused is a permanent resident of Delhi, so there is no chance of his absconding or tempering with prosecution evidence and prayed for grant of bail to this applicant/accused.

6. Ld. Counsel for the applicant/accused also referred the judgments of **Sanjay Chandra vs CBI, (2012) 1 SCC 40** and **P. Chidambaram vs Directorate of Enforcement, (2020) 13 SCC 791**.

7. On the other hand, Ld. Addl. PP for the State vehemently opposed the present application and submitted that in the case in hand, charges against the applicant/accused have been framed u/s. 498-A/304-B IPC and submitted that there are

serious allegations of demand of dowry and harassment of the deceased by this applicant/accused and the offences are serious in nature. The case is running at the stage of prosecution evidence and many more material witnesses are yet to be examined and if the applicant/accused is released on bail at this stage, he may flee away. Possibility of hampering with the witnesses and tampering with the evidence also cannot be ruled out, so, this applicant /accused does not deserve the concession of bail, so, his bail application may be dismissed.

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

9. The perusal of the record shows that the accused is facing trial for committing the offences u/s. 498-A/304-B IPC. No doubt, allegations are serious in nature, but, they are yet to be proved. The applicant/accused has already remained in custody for about 2 years and 4 months.

10.. 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”.

11. 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”.

12. 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”.

13. In the present case, the charges against the applicant/accused have been framed u/s. 498-A/304-B IPC. The prosecution has cited total 22 witnesses and till date, only 5 witnesses could be examined, after framing of charge on 29.11.2023, that too, through video conferencing and examination of a witness through video conferencing mode takes

more time, than in the Court room, which clearly shows that it may take some time in completion of trial. Moreover, since all the material witnesses are to be examined through video conferencing, there is no possibility of hampering or tempering with the witnesses.

14. Considering the overall facts and circumstances of the present case and the fact that trial is not likely to be concluded soon, as total 17 witnesses are yet to be examined in the present case and the applicant/accused has spent considerable period in judicial custody, as he is in jail since 25.03.2023, this applicant/accused Mohd. Ansar is ordered to be released on bail on furnishing personal bond in the sum of Rs.30,000/- with one surety of like amount and also subject to the following conditions:

- (1). He will not come in contact with the complainant or any of the witnesses of the prosecution.
- (2). He will not tamper with the evidence of the prosecution.
- (3). He will not indulge in any other criminal activity of similar nature in future.
- (4). He 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). He will appear on each and every date of hearing, without fail.

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

16. In the abovesaid terms, the application for grant of bail filed on behalf of the applicant/accused Mohd. Ansar stands **allowed**.

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

18. 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/18.07.2025