

IA No. 02/2024
SC No. 275/2022
State Vs. Naushad & Anr.
FIR No. 601/2022
PS: New Usmanpur
U/s: 302/34 of IPC

02.8.2024

**ORDER ON APPLICATION FOR GRANT OF BAIL OF
APPLICANT/ACCUSED KAMRUDDIN**

1. This order of mine will dispose of an application for grant of bail filed by applicant/accused Kamruddin.
2. I have already heard the Ld. Counsel for the applicant/accused and the Ld. Addl. PP for the State.
3. Sh. Avnish Sharma, Ld. Counsel for the accused Kamruddin has submitted that in the case in hand, this applicant/accused has been falsely implicated in the present matter and submitted that the material witnesses have already been examined and only official witnesses remain to be examined and submitted that no direct evidence has come on record against the applicant/accused and the material witnesses have not supported the case of the prosecution.
4. Ld. Counsel for the applicant/accused has further submitted that the co-accused Naushad has already enlarged on bail by the Hon'ble High Court of Delhi on dated 19.7.2024 and submitted that on the ground of parity, this applicant/accused may also be granted bail and prayed for grant of bail.

5. On the other hand, Sh. F. M. Ansari, Ld. Addl. PP for the State has vehemently opposed this application and submitted that this applicant/accused Kamruddin alongwith other co-accused Naushad has committed murder of the deceased. He has also submitted that during his cross-examination PW-5 Shaukin had disclosed that Sahil had told him that his son-in-law Javed was killed by this applicant/accused Kamruddin and co-accused Naushad and also submitted that even if, all the public witnesses, who are named in the list of witnesses have been examined and cross-examined, but, the testimony of PW-2 Salma cannot be ignored and submitted that since, this applicant/accused Kamruddin has committed heinous offence of murder and charge against him has been framed u/s. 302/34 of IPC and in case, this applicant/accused Kamruddin is released on bail, it may be proved to be fatal for the lives and liberty of PW-2 and her minor children and submitted that this applicant/accused Kamruddin may also flee from justice and prayed for dismissal of the present application.

6. I have given thoughtful consideration to the submissions made by the Ld. Counsels for the parties and perused the record.

7. The perusal of the record reveals that all the public witnesses have already been examined and cross-examined and it will take long time in concluding the trial. The co-accused Naushad has already enlarged on bail by the Hon'ble High Court of Delhi on dated 19.7.2024. IO has also submitted that roles of

the applicant/accused Kamruddin and co-accused Naushad are totally similar. Therefore, this court is of the considered opinion that on the ground of parity, this applicant/accused is also entitled for bail.

8. Considering all the facts and circumstances of the present case, the applicant/accused Kamruddin is ordered to be released on bail on furnishing personal bond in the sum of Rs.50,000/- with two sureties of like amount, subject to the following conditions:

- a. The applicant/accused shall report to the concerned Police Station every Wednesday at 10:30 AM and should be released after completing all the formalities within an hour.
- b. The applicant/accused is directed to give all his mobile numbers to the Investigating Officer and keep them operational at all times.
- c. The applicant/accused shall not leave NCT of Delhi without prior permission of the concerned Court.
- d. The applicant/accused shall appear before the Trial Court on each and every date of hearing.
- e. Violation of any of these conditions will result in the cancellation of the bail given to the applicant /accused.

9. In the above said terms, the application for grant of bail filed by applicant/accused Kamruddin stands **allowed**. Dasti copies of this order be provided to the parties.

10. **Attested copy of this order be also sent to the Superintendent of Central Jail, Tihar for supplying the same to this applicant/accused.**

(PUNEET PAHWA)
**Special Judge (NDPS)/Addl. Sessions Judge/
North East/KKD Courts/Delhi/02.8.2024**