

IA No. 39/2025
SC No. 417/2018
State Vs. Abid
FIR No. 375/2018
PS: Gokul Puri
U/s: 302/34 of IPC

05.05.2025

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

1. This order of mine shall dispose of an application for grant of bail filed on behalf of the applicant/accused Abid .
2. I have heard the counsel for the applicant/accused and Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant/accused Abid submitted that this applicant/accused has been falsely implicated in the present case by the police of police station Gokal Puri on the basis of disclosure statement of the co-accused, whereas, he has not committed any offence as alleged, even the applicant /accused has no concern with the alleged incident and submitted that the applicant/accused was arrested on 12.8.2018 and since then, he is in judicial custody, except the period of interim bail earlier granted to him on two occasions and no fruitful purpose will be served by keeping the applicant/accused behind the bars anymore.
4. Ld. Counsel for the applicant/accused has further submitted that till date, 14 prosecution witnesses have been examined in the present case including the public witnesses,

however, none of the public witnesses has deposed against the applicant/accused, even they did not support the case of the prosecution and also submitted that there is no complaint of misusing the liberty by the applicant/accused during the period of interim bail earlier granted to him on two occasions and the applicant/accused had timely surrendered before the jail authority.

5. Ld. Counsel for the applicant/accused further submitted that the FSL result has also not supported the prosecution story and the final conclusion of the trial may take considerable time, as approximately 66 prosecution witnesses are yet to be examined in the present case and also submitted that in the present case, co-accused Arvind @ Binda has already been granted bail by the Hon'ble High Court of Delhi, vide order dated 24.04.2025 and submitted that the applicant/accused may also be granted bail in the present case, as role of the applicant /accused is not much different from the role of the co-accused Arvind @ Binda, who has already been granted bail in the present case and prayed for grant of bail.

6. On the other hand, Sh. F. M. Ansari, Ld. Additional Public Prosecutor for the State has vehemently opposed the present application for bail and submitted that charges against the applicant/accused have been framed u/s. 302/34 IPC, as, he alongwith the common intention of the co-accused persons had committed the murder of deceased Neeta Pal and there is sufficient evidence against the applicant/accused, which shows

that he alongwith the co-accused persons murdered Neeta Pal to grab her flat and also submitted that there is possibility of hampering with the witnesses and tampering with the evidence and possibility of fleeing away from justice by this applicant /accused, if he is released on bail at the stage, when the trial is likely to be concluded and prayed for dismissal of the present application.

7. As per the reply filed by the IO, the role of all the three accused persons are collectively same.

8. 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.

9. Admittedly, vide order dated 24.04.2025, passed by the Hon'ble High Court of Delhi, co-accused Arvind @ Binda has already been released on bail. While granting bail to the co-accused, the Hon'ble High Court of Delhi had observed as under:-

“The case of the Prosecution rests on circumstantial evidence and there is no eye witness to the crime. Sadik who is the witness of last seen, is not traceable. The other circumstantial evidence is of the connectivity of all the accused on mobile phone and their location at the scene of crime.

Though the offence is grave, but it rests essentially on circumstantial evidence. Most of the material witnesses have been examined. The Applicant is in Judicial Custody since last seven years. Only 10 witnesses out of the total 53 witnesses have been recorded, the trial is

likely to take long time.”

10. The above observations of the Hon’ble High Court of Delhi, squarely apply upon the case of the present applicant also.

11. Considering all the facts and circumstances of the present case and the fact that co-accused Arvind @ Binda has already been granted bail and IO has submitted that role of all the three accused persons are collectively same and trial is not likely to be concluded soon, this applicant/accused Abid is ordered to be released on bail on furnishing personal bond in the sum of Rs.35,000/- with one surety of like amount and also subject to the following conditions:

(1). He will appear before the court as and when the matter is taken up for hearing.

(2). He will provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times.

(3). He will not indulge in any other criminal activity and shall not communicate or intimidate the witnesses.

(4). In case, he changes his residential address, the same shall be intimated to the Court and to the concerned IO.

11. 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.

12. In the above said terms, the application for grant of bail filed by applicant/accused Abid stands allowed. Dasti copies of this order be provided to the parties. **Attested copy of this order be also 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/05.05.2025**