

IA No. 40/2025
SC No. 417/2018
State Vs. Rahis Ahmad
FIR No. 375/2018
PS: Gokul Puri
U/s: 302/34 of IPC

27.05.2025

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

1. This order of mine shall dispose of an application for bail filed by this applicant/accused Rahis Ahmad.
2. I have already heard the counsel for the applicant /accused and the Ld. Addl. Public Prosecutor for State.
3. Ld. Counsel for the applicant /accused Rahis Ahmad submitted that the applicant/accused has been falsely implicated in the present case, whereas, he has not committed any offence, as alleged and submitted that the applicant/accused was arrested in the present case on 04.08.2018 and since then, he is in judicial custody, except the period of interim bail, despite the fact that he has no concern with the alleged incident.
4. Ld. Counsel for the applicant/accused further submitted that earlier on two occasions, the applicant/accused was granted interim bail and during the said period, the applicant/accused did not misuse the said liberty, even he had not tampered with the prosecution witnesses and he had timely surrendered before the jail authority, after completion of the period of interim bail and also submitted that the applicant

/accused is seeking regular bail on the ground of parity, as co-accused Arvind @ Binda has already been granted bail in the present case by the Hon'ble High Court of Delhi and other co-accused Abid has also already been granted bail in the present case by the Hon'ble Court and submitted that as per the prosecution story, role of these three accused persons are collectively same.

5. Ld. Counsel for the applicant/accused further submitted that in the present case, the prosecution has cited total 53 witnesses and there is no eyewitness in the present case and the only last seen witness namely Sadik is not traceable, despite giving several opportunities to the investigating agency. Even the FSL result also not supported the prosecution story and also submitted that all the material witnesses have already been examined and cross-examined, even they did not support the prosecution story and submitted that it may take long time in concluding the trial and submitted that the applicant/accused is ready to abide by all the terms and conditions as imposed upon him, if he is granted bail and prayed for grant of bail to this applicant/accused.

6. On the other hand, Sh. F. M. Ansari, Ld. Addl. PP for the State vehemently opposed the present application for grant of bail and submitted that in the present case, charges u/s. 302/34 IPC have been framed against the applicant/accused and case is at the stage of evidence of the prosecution and submitted that many material witnesses are yet to be examined and cross-examined and also submitted that there is sufficient evidence

against the applicant/accused to show that he with the help of other co-accused persons murdered deceased Neeta Pal @ Pooja to grab her flat and submitted that there are CCTV footages, wherein, the accused persons are clearly seen on the time, date and place of the incident, so, there is possibility of hampering with the witnesses and tampering with the evidence and possibility of fleeing away from justice by this applicant/accused cannot be ruled out, if the applicant/accused is released on bail at this stage and prayed for dismissal of the present application.

7. IO has opposed the present application on the following grounds:-

(i). On the date of incident, the key of the flat was with applicant/accused and he got the dead body of deceased Neeta Pal recovered on 02.08.2018 from the Iron Almirah kept in the said flat, after two days from the day of incident.

(ii). On the day of incident, this applicant/accused and deceased Neeta Pal @ Pooja made several calls to each other and last call was also made between them.

(iii). At the time of murder of deceased Neeta Pal @ Pooja, the location of mobile phones of all the three accused persons was in the area of place of occurrence.

(iv). Many mobile call recordings of the accused persons were found in the mobile phone of deceased Neeta Pal, which indicates that the deceased was pressing hard over the applicant/accused to marry with her and as per call recording, accused Rahis Ahmad @ Shahil and deceased

Neeta Pal @ Pooja used to quarrel with each other and exchange hot words/intolerable words against each other.

(v). On 15.07.2018 (about 15 days before her murder) on the occasion of birth day of deceased Neeta Pal @ Pooja, this applicant/accused in presence of co-accused Arvind @ Binda quarreled/beaten and threatened her to kill.

(vi). After the incident, this applicant/accused and co-accused Arvind Binda were seen in CCTV footage about 100 yards away from the place of occurrence.

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 and another co-accused Abid has also already been granted bail in the present case by this Court vide order dated 05.05.2025.

10. Perusal of the record shows that in the present case, the prosecution has cited total 53 witnesses and the only last seen witness namely Sadik is not traceable, despite giving several opportunities to the investigating agency and it may take some long time in concluding the trial.

11. While granting bail to the co-accused, the Hon'ble High Court of Delhi had observed as under:-

“6. 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.

7. 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.”

12. The above observations squarely apply to the case of the present applicant/accused also.

13. Considering all the facts and circumstances of the present case and the fact that co-accused Arvind @ Binda and Abid have already been granted bail and as per the prosecution story, role of all the three accused persons are collectively same and trial is not likely to be concluded soon, this applicant /accused Rahis Ahmad, on the ground of parity with co-accused persons, 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.

14. 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.

15. In the above said terms, the application for grant of bail filed on behalf of the applicant/accused Rahis Ahmad stands **allowed**.

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

17. 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/27.05.2025**