

IA No. 26/2023  
SC No. 417/2018  
State Vs. Rais Ahmad  
FIR No. 375/2018  
PS: Gokul Puri  
U/s: 302/34 of IPC

25.08.2023

**ORDER ON 5<sup>th</sup> APPLICATION FOR BAIL OF  
APPLICANT/ACCUSED RAIS AHMAD**

1. This order of mine will disposed of an application for bail filed by applicant/accused Rais Ahmad.
2. I have heard the Ld. Counsels for the parties.
3. Sh. Sunil Tiwari, Ld. Counsel for applicant/accused submitted that this applicant/accused was arrested on 04.08.2018 and he was granted interim bail by Ms. Tyagita Singh, Ld. ASJ, vide her order dated 28.05.2021, as per the guidelines of the HPC and he had surrendered in the court on dated 12.04.2023. He has further submitted that he is not previously involved in any other criminal case and submitted that prosecution has given the list of 53 witnesses and only 10 witnesses have been examined and prayed for grant of bail.
4. On the other hand, Sh. Inderesh Gupta, Ld. substituted Addl. PP for the State has vehemently opposed the present application for bail and submitted that this applicant/accused Rais Ahmad alongwith co-accused Arvind @ Binda and Abid had committed murder of the deceased. He has also submitted that transcriptions of the talks between the

deceased and this accused Rais Ahmad are placed on the record, from which, it is clear that the deceased was asking to this accused to marry with her, but, this accused was not marrying with her. This accused was in live in relationship with the deceased and he wanted to grab the property of the deceased and in view of the same, this accused alongwith the other co-accused had committed the murder of the deceased. He has further submitted that the wife of this accused also threatened to another witness of the prosecution and submitted that statement of one public witness Sadik u/s. 161 of CrPC was recorded, who had lastly seen this accused Rais Ahmad alongwith the other co-accused with the deceased and submitted that this Sadik is a material witness, who had lastly seen the deceased in the company of this accused and other co-accused and thereafter, deceased is not seen or heard alive and submitted that since, this applicant/accused has committed heinous offence of murder and charge under section 302/34 of IPC has been framed against this accused and in case, this applicant/accused is granted bail, he may temper with the evidence of the prosecution and he may abscond from the proceeding and prayed for dismissal of the bail application of this accused.

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

8. The perusal of the record reveals that this applicant/accused was allegedly living with the deceased in the

live in relationship with the deceased. He is alleged to have committed murder of the deceased to grab the property of the deceased and charge under section 302/34 IPC has been framed against this applicant/accused. As, this accused is alleged to have been lastly seen with the deceased on the date of commission of murder alongwith the other co-accused and Sadik is a material witness, who is yet to be examined and since, this accused is alleged to have committed murder of the deceased, so, taking into consideration the nature of accusation and gravity of the offences alleged to have committed by this accused and likelihood of tempering with evidence of the prosecution, this accused does not deserve the concession of the bail. Therefore, **this application for grant of bail filed by the applicant/accused Rais Ahmad is dismissed.** Dasti copies of order be provided to the parties. Attested copy of this order be sent to the Superintendent of Central Jail, Tihar for supplying the same to the applicant/accused.

**(PAWAN KUMAR MATTO)**  
**Addl. Sessions Judge (Special Judge NDPS)**  
**North East/KKD Courts/Delhi/25.08.2023**