

Hearing through Video Conferencing by Cisco Webex Meeting App

Saddam @ Muchhad Vs. State

In re: -

FIR No. 591/2016

PS: Seelampur

U/s: 392/394/397/504/411/34 IPC & 27 Arms Act

18-09-2020

Present: Sh. Shekhar Tyagi, Ld. Counsel for the applicant.
Sh. Ashok Kumar, Ld. Add. PP for the State.

Reply to the bail application is received through mail.
Submissions on the application are heard.

By way of present application, the applicant is seeking grant of interim bail of 45 days to join last rituals (Biswa, Niyaz, Fatiya, Chaliswa etc.) of his elder brother Allauddin who has expired on 06/09/2020. It is submitted that the last rituals will be conducted at the home of the applicant as well as at Kabristan, Shastri Park Ext., Delhi. It is submitted that the presence of the applicant at the time of last rituals is very necessary for the purpose of social ties, tradition and also emotional relations of accused with his elder brother. It is submitted that at the time of burial the applicant was admitted for custody parole and he has not misused the same and he undertakes that he will not misuse the liberty given by him in terms of interim bail.

In the reply to the bail application it is submitted that the rituals and customs as per Islamic religion related to death of elder brother of applicant will be performed on 20th day from the death i.e. 25/09/2020. The bail application is opposed by the learned APP with the submissions that the applicant is having one elder brother Nizam who can perform the rituals and the presence of the applicant is not necessary in performance of the rituals. It is submitted that the applicant may hamper the trial and may threaten the witnesses if admitted to bail and that he is also involved in one more case.

Considering the facts and the circumstances of the case where elder brother of the applicant is available to perform the last rituals of other brother who has expired and there is no ground shown that any of the last ritual cannot be performed without the presence of applicant, no case is made out to admit the applicant on interim bail as prayed. The application is dismissed accordingly. Copy of the order be sent to the parties.

(SUNIL CHAUDHARY)
Special Judge (NDPS)/ASJ
North East, Delhi 18-09-2020