

SC 748/2022
STATE Vs. MD. RUSTAM @ MUKHIYA
FIR No. 560 /2022
PS Jahangir Puri
U/s. 302/323/201/34 IPC

10.09.2024

File taken up today on an application U/s. 439 Cr. P. C for grant of regular bail moved on behalf of applicant/accused **Md. Rustam @ Mukhiya**.

Present: Sh. Kumar Sanjay, Ld. Addl. PP for the State.
Sh. Bijender Kumar, Ld. Counsel for complainant.
Sh. Manjeet Mathur, Ld. Counsel for applicant/accused.

An application for exemption from personal appearance has been received from IO/Inspector Dharmender Kumar. In view of the reasons mentioned in the above said application, IO/Inspector Dharmender Kumar is exempted for today only.

Reply to the above said application has been received from IO. Same is taken on record. Copy of the same supplied to Ld. Counsel for applicant/accused.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 20.06.2022 and he has been falsely implicated in the present case. It is further submitted that nothing has been recovered from the possession of applicant/accused, if any the same is planted by the police official upon the applicant/accused. It is further submitted that there is no role of the applicant/accused in the present case with the above said alleged offence. It is further submitted there is no evidence against the applicant/accused which can connect her with alleged offence. It is further submitted that applicant/accused is no more required for any custodial interrogation

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and no fruitful purpose would be served to keep the applicant/accused behind the bar. It is prayed that above said application may kindly be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is prayed that the above said application may kindly be dismissed.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

Perusal of the record shows that charge for the offence punishable U/s. 302/34 IPC has been framed against applicant/accused **Md. Rustam @ Mukhiya**. Perusal of the record further shows that present case is at the stage of PE and around 5 prosecution witnesses have been examined. Out of the five prosecution witnesses examined by prosecution, two are eye witnessess, who have deposed on the line of prosecution version. They have narrated the incident frame by frame and have also mentioned the role of applciant/accused **Md. Rustam @ Mukhiya** elaborately. It is pertinent to mention that one of those two eye witnesses have not been examined completely. Apart from the afore mentioned two eye witnesses, five more eye witnesses are yet to be examined. Releasing applicant/accused **Md. Rustam @ Mukhiya** may

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cause serious threats to material/eye witnesses.

Keeping in view of the above discussion and also considering the severity and the gravity of offence as well as seriousness of allegations, the **present bail application of applicant/accused Md. Rustam @ Mukhiya is hereby dismissed.**

Nothing stated herein shall tantamount to any expression of opinion the merits of the case. **Copy of order be given dasti to the concerned parties.** The present bail application file be tagged with the main case file.

(Sushil Kumar)
Addl. Sessions Judge- 04
North District Rohini Courts Delhi
10.09.2024