

14.02.2025

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

Present: Sh. Sanjay Jindal, Ld. Addl. PP for the State.
Ms. Shivali Gautam and Ms. Vaishali Gautam, Ld.
Counsels for applicant/accused.

Reply to the above said application has already been filed by IO.

Ld. Counsel for applicant/accused submits that applicant/accused is in JC since 26.04.2024 and he has been falsely implicated in the present case. It is further submitted that applicant/accused was not involved in the present matter at any point of time and there is no recovery of weapon from the applicant/accused or at his instance. It is further submitted that there is no recovery of weapon from the applicant/accused or at his instance. It is further submitted that recovery of weapon is planted upon the applicant/accused by the investigating officer later on. It is further argued that applicant/accused is no more required for further custodial interrogation 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.

SC 504/2024

STATE Vs. ARSLAN@Monti@Baba

FIR No. 370/2024

PS Bhalswa Dairy

U/s. 302/307/34 IPC

Briefly stated, the present FIR bearing no. 370/2024 has been registered at PS 307/302/34 U/s. Bhalaswa Dairy. The allegations that applicant/accused are that he alongwith his co-accused persons committed murder of deceased by causing multiple stab injuries. Postmortem examination report of deceased Samir reveals that seven incised wounds were caused to him by sharp single edged cutting/stabbing weapon and injury no. 4 & 5 were sufficient to cause death individually or collectively in the ordinary course of nature. As per the case of prosecution applicant/acused actively participated in the alleged offence and he has also been identified by eye witness in Test Identification Parade conducted before Ld. M. M. Trial is at initial stage. Material/eye witnesses are yet to be examined and releasing applicant/acused **Sami @ Kalu** at this stage may result in threat to eye/matrial 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 **Sami @ Kalu** 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

14.02.2025