

SC No. 504/2024
STATE Vs. Arslan @ Monti @ Baha
FIR No. 370/2024
PS Bhalaswa Dairy
U/s: 302/34 IPC

29.03.2025

(File is taken up today on an application under section 439 Cr.P.C., for grant of bail moved on behalf of applicant/accused Arslan Monty @ Baba)

Present: Sh. Sanjay Jindal, Ld. Addl PP for State.
Sh. J.K. Kalson, Ld. Deputy CLADC for accused.

Arguments on the afore-mentioned bail application heard.

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 the entire allegations made against applicant/accused based on the hearsay evidence, no eye-witness still find out who seen the incident. It is further argued that Video Footage submitted by the police officials in which only shown out of the three person, only one person of three person shown threatening to some one but the face of the person not clearly visible to identify in the video footage who involved in the said crime / offence and only on the basis of the complainant's statement, the applicant/accused is implicated in the present case.

It is further argued that nothing incriminating whatsoever has been recovered from or at the instance of applicant / accused and alleged recovery, if any has been planted. It is further argued that as per the charge-sheet, the statement made by the complainant itself contradictory.

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It is further argued that no eye-witness was there at the time of incident took place and the complainant only stated that one person out of the three after putting a gun / desi katta or knife on his head and thereafter, asked where is Fardee, thereafter, all three people went to other street near ten. It is further argued that investigation of the police is complete and charge-sheet have already been filed before the Hon'ble Court, therefore, 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.

Briefly stated, the present FIR bearing no. 370/2024 has been registered at PS 307/302/34 U/s. Bhalaswa Dairy. The allegations against 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

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sufficient to cause death individually or collectively in the ordinary course of nature. As per the case of prosecution, applicant/accused 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. The matter is at initial stage. Charges are yet to be framed and material/eye witnesses are yet to be examined. Releasing applicant/accused **Arslan Monty @ Baba** may result in serious threats 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 **Arslan Monty @ Baba** 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
29.03.2025 ^(R)