

28.07.2025

Present: Sh. Girish Giri, Ld. Addl. PP for State.
None for the applicant / accused.

1. This application u/s 483 BNSS has been moved seeking regular bail for the applicant / accused Shakir who is facing allegations u/s 103(1) BNS.
2. Ld. Counsel for the applicant has submitted that no similar application is pending before any other court.
3. Reply filed. Copy supplied.
4. Brief facts of the case are that on 17.01.2025, a PCR call was received at PS Bharat Nagar regarding caller's niece has committed suicide by hanging herself. Pursuant to said call, EO/ASI Sunil reached at the place of incident where dead body of a girl was found lying on the floor. She was identified as Saniya. Subsequently, on the statement of mother of deceased, the present case was registered wherein she alleged that she had seen the accused running away from the roof of the house after committing murder of his daughter and accused Shakir was named in FIR. Thereafter, accused was apprehended and he was interrogated and arrested after serving him the ground of arrest.

5. During course of arguments, Ld. Counsel for applicant/accused argued on the lines of bail application and has submitted that applicant / accused is innocent and has been falsely implicated in the present case, on the pretext that applicant is having relationship with deceased, without his involvement in the commission of said offence in any manner. Ld. Counsel submits that no fingerprints of the applicant were found on the body of deceased, the ceiling fan, ligature material or at the alleged scene of incident. Ld. Counsel submits that version of PCR caller Naushad is completely contradictory from the statement of mother of deceased which raises a serious doubt on the case of prosecution. Ld. Counsel submitted that cause of death of the deceased was due to asphyxia due to ligature strangulation which is sufficient to cause death and no fingerprint of the applicant / accused is available and same is verified through forensic analysis report. Ld. Counsel submits that no communication was occurred between the applicant / accused and deceased as per CDR report. Ld. Counsel submits that as per parents of deceased, she was not using any mobile phone then how deceased and applicant met. Ld. Counsel submits that accused was arrested at 12:50 pm on 18.01.2025 as per record however, medical examination report reflects that he was medically examined at 12:06 pm on the same day. Investigation is complete and charge-sheet has already been filed. The entire evidence is already within the custody of prosecution. Trial will take a long time. No purpose would be served by keeping the applicant / accused further in custody. Ld. Counsel submits that applicant / accused undertakes to abide by all the terms and conditions if imposed by the court.

6. Bail application is strongly opposed by Ld. Addl. PP for State stating that allegations against the applicant / accused are serious in nature and he has been named in the FIR. Ld. Addl. PP submits that on analysis of CDR of mobile phone of accused, on 17.01.2025 at 09:27 AM, applicant/accused was present at Rana Pratap Bagh (covering the residences of accused persons and deceased and the distance between residence of accused and deceased is approx. 100 meters. The mother of the deceased had seen the applicant/accused while running away from the balcony cum bathroom on the 1st floor of her house through the roof which shows the complicity of the accused in the incident as he is the last seen person who was seen on the roof of the house of deceased. The trial is at initial stage. No witness has been examined till date. Ld. Addl. PP submits that if applicant / accused is released on bail, he can advance threats to the witnesses and tamper with the evidence.

7. Submissions heard. Record perused.

8. The applicant/accused has been charge-sheeted for murder of daughter of complainant. The complainant named the accused in FIR. Though complainant had not seen the accused while committing the alleged offence but she had seen him while running from the balcony of her 1st floor through the roof. In absence of direct evidence, it happens to be a case of last seen but it is worthwhile to note that complainant named the applicant/accused in the FIR and no reasonable explanation has been offered by the accused for mentioning his name in the FIR. Though a plea is taken on behalf of the applicant/accused that he has been falsely implicated due to business rivalry but the same is not

convincing as the nature of business of applicant/accused and complainant is not disclosed. No other motive of false implication of accused is stated in the bail application. In such circumstances, the theory of falsely implication cannot be readily bought at this stage. The trial at initial stage and evidence of material witnesses is yet to be recorded. In these circumstances, the possibility of threatening the material witnesses cannot be ruled out at this stage. **Application is accordingly dismissed.**

9. Observation made herein above shall not affect the merits of this case in any manner.

10. Application stands disposed off.

(MUNEESH GARG)
ASJ-03, N/W, ROHINI COURTS
DELHI/28.07.2025