

**IN THE COURT OF MS. SURABHI SHARMA VATS, ASJ-04,**  
**SHAHDARA, KARKARDOOMA COURTS : DELHI**

SC No. 120/2023, IA No. 12/2026

STATE VS. Atif

FIR NO. 715/2022

PS Jafrabad

U/s 302/201/120B/34 IPC

04.04.2026

**This is an application U/s 439Cr.P.C./483 BNSS for grant of regular bail moved on behalf of applicant/ accused Atif.**

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State.

Sh. Maneesh Kumar, Ld. Counsel for the applicant/  
accused.

IO/SI Ankur in person.

1. It is submitted by Ld. Counsel for the applicant/ accused that this is the first bail application of the applicant/ accused Atif and no other application seeking bail of the applicant/accused is pending in any other Court; that applicant/accused has been falsely implicated in the present case; that the present FIR was filed as State Vs. Unknown and the applicant/accused himself surrendered and was arrested in the present case; that except the disclosure statement of the applicant/accused, there is not a shred of evidence against the applicant/accused.

2. Ld. Counsel for the applicant/accused has further submitted that chargesheet in the present case has been filed and no recovery has been effected from the applicant/accused; that the PW-1 Alisha and PW-2 Saniay who have allegedly overheard the co-accused Amaan, Atif and Abid @ Sonu talking on phone with accused Asad @ Totla have turned hostile and have not supported the prosecution version; that nothing has emerged upon record against the applicant/accused. Further, co-accused Asad @ Totla has been enlarged on bail by the Hon'ble High Court of Delhi and co-accused namely Harish @ Aarish and Abid @ Sonu have been enlarged on bail

by this Hon'ble Court, therefore, the applicant/accused also deserves to be released on the ground of parity. The applicant/accused is ready to abide by all the terms and conditions, if imposed and is also ready to furnish reliable surety to the entire satisfaction of this Hon'ble Court.

3. Per-contrā, Ld. PP for the State has strongly opposed this bail application while submitting that allegations against the accused/ applicant are quite grave in nature; that as per the case of the Prosecution, on the intervening night of 19/20.11.2022, a PCR call was received vide DD No. 104B stating "*Pooja public school, Mata Wali Gali, Ghonda, Caller bol raha hai ki ek ladka injured halat me pada hai*"; that when SI Manish reached at the spot, he found that one injured person was lying on the street with blood at the scene; the injured was shifted to JPC Hospital where the doctor declared him "Brought dead". Later, the deceased was identified by Beat Constable Kapil as Mohd. Amir @ Tori, son of Sabir, resident of H. NO. C-213, Gali NO. 9/5, Kanija Masjid, Chauhan Bangar, Delhi and present case FIR was registered.

On the basis of the investigation, accused persons were arrested and it came to light that the applicant/accused Almas Khan @ Salman @ Allu, who was incarcerated in Jail, alongwith other co-accused persons, had conspired the murder of the victim/deceased Amir @ Tori.

4. Ld. Addl. PP has further submitted that murder of the victim/deceased has been committed in a pre-meditated manner in order take revenge from victim/deceased Amir @ Tori, as the co-accused Almas @ Salman @ Allu had apprehension that the victim/deceased Amir @ Tori had secretly informed the Police regarding him, due to which he was apprehended by the Police and his

leg got injured. Therefore, a criminal conspiracy was hatched by accused Almas @ Salman @ Allu along with co-accused persons including the applicant/accused to kill deceased/ victim Amir @ Tori. Accordingly, in execution of their plan and conspiracy hatched by the accused persons, accused/applicant Atif and Amaan proceeded to the spot and brutally murdered the victim Amir @ Tori in a pre-meditated manner.

5. It is further stated by Ld. Addl. PP for the State that applicant/accused Atif cannot be treated at par with the co-accused Asad @ Totla, who has been enlarged on bail by the Hon'ble High Court of Delhi and co-accused namely Harish @ Aarish and Abid @ Sonu, who have been enlarged on bail by this Court since, the applicant/accused was not only one of the conspirator of the present case but he alongwith the co-accused Amaan also proceeded to the spot in execution of their pre-meditated plan and brutally murdered deceased/victim Amir Tori. Further, the applicant/accused is also visible in the CCTV footage while going to and fro from the place of incident.

6. Ld. Addl. PP for the State argued that applicant/ accused that the matter is at the stage of Prosecution Evidence, therefore, there is every possible likelihood that the applicant/ accused may try to influence or intimidate the witnesses and may threaten them. Moreover, the applicant/ accused being a habitual offender can again indulge in some other criminal activity and as such, he is a threat to the society at large and therefore, applicant/accused may not be enlarged on bail.

7. Arguments on this application heard. Record perused.

8. As per the case of Prosecution, the accused Almas Khan @ Salman @ Allu alongwith other co-accused persons including his brother Amaan and Atif (applicant/accused) entered into a criminal conspiracy to kill the victim/deceased Amir @ Tori and in pursuance of that criminal conspiracy, deceased/victim was brutally murdered by the accused/applicant Atif and accused Amaan.

It is well settled principle of law that at the stage of determining the question of bail, minute/ detailed evaluation of the facts and appreciation of evidence on merits, is not to be done.

The applicant/accused Atif cannot be treated at par with the co-accused persons who have been admitted on bail since, the applicant/accused Atif is alleged to be one of the main accused in the present case who not only was involved in conspiracy of the murder of victim/deceased Amir @ Tori but also actively participated in it by proceeding to the spot and also murdering him. It is further stated that the applicant/ accused is also seen in the CCTV Footage while proceeding to and running/fleeing away from the scene of crime.

The allegations against the accused/applicant are quite serious and grave in nature; trial of the matter is at initial stage, therefore, there is every possible likelihood that the applicant/accused may try to influence the witnesses and may threaten them; the accused/ applicant is also stated to be involved in other cases including this murder case thus, possibility of the accused/ applicant again indulging in criminal activities or similar crimes or threatening or inducing the witnesses also cannot be ruled out at this stage.

Considering the enormity of the offences alleged, severity of the punishment which the alleged offences entails coupled with the above-stated reasons, this Court does not find it a fit case to grant bail to the accused/ applicant Atif, at this stage. Therefore, the present bail application stands, **dismissed**.

9. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*
10. Application stands disposed of accordingly.
11. In compliance of directions of Hon'ble Supreme Court in case titled '*In Re: Policy Strategy for Grant of Bail, Writ Petition (Crl.) No. 04/2021 dated 31.01.2023*', e-copy of this order be sent to applicant via e-mail through concerned Jail Superintendent for information.
12. Copy of order be given dasti to Ld. Counsel for the applicant/accused and to the State as well.

(SURABHI SHARMA VATS)  
ASJ-04, Shahdara/KKD Courts,  
Delhi/04.04.2026