

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

**SC No.120/23 I. A. No.02/2024
State Vs. Asad @ Totla
FIR No.: 715/2022
PS Jafrabad
U/s. 302/201/120B/34 IPC**

04.11.2024

File taken up today an application U/s 483 Cr.PC seeking interim bail moved on behalf of applicant/ accused Asad @ Totla.

Present: Sh. Virender Singh, Ld. Addl. P.P. for the State.
Sh. Akshay Bhandari, Ld. Counsel for the accused/
applicant (through VC).

Arguments heard on the present application.

1. Ld. Counsel for the accused/applicant Asad @ Totla has submitted that sister of the applicant/accused is to be married on 05.11.2024; that the mother of the applicant/accused is also suffering from Cancer and the accused himself is also facing mental health issues, therefore, the applicant/accused be released on interim bail for a period of four weeks so that he can arrange finances for future treatment of his mother and also to look after his sister's marriage.

Ld. Counsel for applicant/accused has relied upon the Judgment/Authority of the Hon'ble High Court of Delhi titled as "**Pawan Kumar Vs. State (Govt. of Nct of Delhi)**" decided on 03.07.2020.

2. Ld. Addl. P.P for the State has vehemently opposed the interim bail application of the accused/applicant Asad @ Totla

submitting that allegations against the applicant/accused are serious in nature; that the applicant/accused is a habitual offender and as such, involved in eight other criminal cases including this murder case; that none of the witnesses in the present case have been examined yet, therefore, there is every possible likelihood that the accused/applicant may try to influence the witnesses and may threaten them. Moreover, applicant/accused is also a flight risk and the possibility of accused jumping the bail, cannot be ruled out at this stage.

3. Ld. Addl. PP for the State has further submitted that admittedly, there are other brothers of the applicant/ accused, who can attend and perform rituals, if any, in the marriage ceremony of their sister and can also take care of their mother and arrange finances for her treatment, therefore, interim bail be not granted to applicant/accused. However, he has no objection if custody parole is granted to the applicant/accused to attend marriage of his sister.

4. This Court has heard the arguments addressed by Ld. Counsel for the accused/ applicant as well as by Ld. Addl. P.P. for the State, perused the order of Hon'ble High Court of Delhi filed by the Ld. Counsel for applicant/accused.

5. IO in his reply has stated that there is discrepancy in the wedding invitation card of Amreen (sister of applicant/accused); that the original wedding invitation card produced by family of the accused shows different program as compared to the wedding card attached with the Court record; that none of the neighbours of the applicant/accused are aware of any marriage ceremony and none of them are invited; that the family of

the accused has started living at the given address two months back only.

6. Ld. Counsel for the accused/ applicant has prayed for grant of interim bail to the accused/ applicant on the ground of attending marriage of sister, alleged mental health issues of the applicant/ accused and ill health of his mother. It is an admitted fact that there are other real brothers of applicant/ accused who can perform rituals, if any, in the marriage of sister. Further, no specific ritual has been mentioned which can only be performed by the accused/ applicant. However, this Court is inclined to grant custody parole to the accused so that he can attend marriage of his sister but Ld. Counsel for applicant/accused has refused for the same and has stated that accused/applicant does not want any custody parole. The argument addressed on behalf of applicant/accused that there is no one to look after his mother also seems to be inconceivable as applicant/accused is having other real brothers/ (other sons of his mother) who can take care of their mother. The accused is also stated to be involved in many other criminal cases including this murder case.

The order passed by Hon'ble High Court of Delhi in Pawan Kumar (*supra*) relied upon by the Ld. Counsel for applicant/accused does not render any help to the Ld. Counsel for applicant/accused in the facts and circumstances of this case since, in that case, interim bail was sought on the ground of surgery of the accused himself and was decided on the merits of that case.

Therefore, in view of the foregoing discussion and considering the gravity of the offences in question, this Court is of the considered opinion that no ground is made out to grant interim bail to the accused/ applicant Asad @ Totla. Accordingly, the

present interim bail application hereby, stands, **dismissed**. However, Ld. Counsel for applicant/accused is at liberty to move a separate application seeking medical status report of the applicant/accused from the jail authorities or to move an appropriate application on alleged medical grounds of mental health issues, thereafter.

7. *Nothing expressed hereinabove, shall tantamount to any opinion on the merits of this case.*

8. Copy of this order be given dasti to Ld. Counsel for applicant/accused and IO. Interim bail application stands disposed of.

(SURABHI SHARMA VATS)
ASJ-04, Shahdara/KKD Courts,
Delhi/04.11.2024