

BAIL MATTER
I.A NO 7/2026
SC No. 568/2023
STATE Vs SHUBHAM
(APPLICANT :- FATIMA@ ANJALI)
FIR No. 195/2023
PS : Uttam Nagar
U/s :302/34 IPC

07.05.2026

ORDER

Present: Sh Sumit, Ld. Counsel for the applicant/accused
(through VC)
Shri Girish Kumar Manhas, Ld. Addl. PP for State.
IO Inspector Mukesh Kumar in person

1. *This is an application filed by the applicant/accused Fatima @ Anjali seeking regular bail in the present case.*
2. Before dealing with the grounds taken by the applicant in the present application, it is imperative for this Court to briefly note the case of the prosecution. Briefly stating, the prosecution case is that on 01.05.2023 a dead body of an unidentified male was found stuffed inside a white sack and a blue delivery bag and thrown in a filthy drain at Shiv Vihar, JJ Colony, Uttam Nagar, Delhi. During investigation, the deceased was identified as Umesh and it was revealed that he had been kidnapped, wrongfully confined, drugged, assaulted, strangled and murdered by accused persons Shubham @ Viraj, Sunny Sharma and

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Fatima @ Anjali in furtherance of a pre-planned criminal conspiracy.

3. It is further the case of the prosecution (*as per the Investigating Officer and the charge-sheet*) that the present applicant is not an innocent bystander but an active conspirator and participant in the commission of the offence. It is alleged that the applicant was residing with co-accused Shubham and Sunny Sharma at the rented flat where the deceased Umesh was illegally confined, tortured and ultimately murdered. It is further alleged that the applicant actively participated in impersonating a woman named “Anjali Kumar” on Facebook and WhatsApp, blackmailing victims extorting money by threatening to viral obscene photographs, calling the guardian of deceased Umesh and demanding ransom, assisting in keeping the deceased under wrongful confinement, remaining present during the period when the deceased was tied, drugged and tortured and thereafter absconding along with the co-accused after disposal of the dead body.
4. It is further stated by the prosecution that co-accused Shubham @ Viraj disclosed during investigation that the present applicant had made ransom calls to the relatives of deceased Umesh and actively assisted in the conspiracy to

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kidnap and extort money from the family of the deceased. The prosecution relies upon Call Detail Records, CCTV footage, WhatsApp screenshots, bank account statement of the applicant, seizure of incriminating articles from the rented premises and disclosure statements to contend that the material collected during investigation clearly establishes the active and intentional involvement of the applicant in the commission of the offence. The prosecution also relies upon Post Mortem Report No. 722/23, which records that the deceased died due to asphyxia caused by strangulation and smothering and that all injuries were ante-mortem in nature.

5. Now, coming to the grounds taken by the applicant in the present application. Ld Counsel for the applicant by way of the present application has sought regular bail mainly on the grounds that she is a woman and has been falsely implicated in the present case. It is further contended that the accused/applicant is in judicial custody since 02.05.2023 i.e. for about two years. It is further contended that despite lapse of substantial time charges have not been framed till date and that the trial has not commenced. It is further pleaded that investigation stands completed and charge-sheet has already been filed and therefore no further custody of the applicant is required.

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6. Ld. counsel for the applicant/accused has also argued that applicant is entitled to bail on the ground of parity as co-accused Shivam/Shubham, who is the husband of the applicant and allegedly has an equal or more serious role, has already been granted bail by the competent court. It is further stated that the husband of the applicant is suffering from blood cancer and has been granted bail considering his medical condition and the applicant's presence outside jail is essential for his care and support.
7. It is further submitted that the applicant is a woman and deserves liberal consideration and that she has no previous criminal antecedents. It is further contended that the prosecution case is primarily based on disclosure statements and police confessions which are weak in evidentiary value. It is further contended that no independent public witness has supported the prosecution version against the applicant and no recovery of incriminating material has been effected at her instance. It is further contended that the applicant/accused is a permanent resident of Delhi and is having deep roots in society and is not likely to abscond or tamper with prosecution evidence. Accordingly, it is prayed that the applicant be released on bail.

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8. *Conversely*, the Ld. Additional PP for the State assisted by the IO has opposed the bail application of the applicant. It is submitted that the allegations are grave and heinous and involve offences of kidnapping for ransom, criminal conspiracy and brutal murder. It is further submitted that the applicant is a key conspirator and her role is active and substantive. It is argued that the offences alleged attract punishment up to death or imprisonment for life under Sections 302, 364A and 120-B IPC and that the applicant's release on bail would pose a serious threat to fair trial inasmuch as there is likelihood of her influencing witnesses, tampering with evidence or absconding. Accordingly, it is prayed that the bail application of the applicant be dismissed.

9. *I have heard the submissions of Ld. Counsel for the applicant and the Ld. Addl. PP for the State and further I have also carefully perused the record.*

10. It is settled law that while considering a bail application, the Court is required to take into account the nature and gravity of the accusation, the severity of punishment in the event of conviction, the role attributed to the accused, the possibility of the accused absconding or influencing

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witnesses and the stage of trial. It is equally well settled that though prolonged incarceration is a relevant consideration, the same by itself is not decisive in every case particularly where the accusations are of an extremely grave nature, the evidence collected indicates active participation of the accused and the possibility of prejudice to a fair trial cannot be ruled out.

11. In the present case, the allegations against the applicant are of the gravest nature. The prosecution does not attribute to her a merely peripheral or passive role. On the contrary, the prosecution case is that she was an active participant in the conspiracy from its inception, including impersonation, blackmail, extortion, ransom calls, wrongful confinement of the deceased and remaining present during the period when the deceased was tied, drugged, tortured and eventually murdered. Thus, the role attributed to the applicant is not incidental but foundational to the prosecution story.

12. The material referred to by the prosecution at this stage, including CDRs, CCTV footage, WhatsApp screenshots, bank account details and seizure of incriminating articles from the rented premises cannot be brushed aside as wholly inconsequential. Without commenting on the

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evidentiary value of each such piece of evidence which would be a matter for trial, it cannot be said at this stage that the case against the applicant rests merely on disclosure statements or weak police material.

13. So far as the plea of parity raised by the Ld Counsel for the applicant is concerned, the same does not enure to the benefit of the applicant in the facts of the present case. The co-accused husband of the applicant is stated to have been granted bail on medical grounds which is a distinct consideration personal to that accused. Bail granted on medical grounds to one accused does not automatically entitle another accused to bail on parity, particularly where the role attributed to such accused has to be independently evaluated.

14. The other submission of the Ld Counsel for the applicant that the applicant is a woman accused also cannot in the peculiar facts of the present case by itself justify grant of bail. No doubt, the Court may in appropriate cases adopt a liberal approach in favour of women accused. However, the said consideration cannot eclipse the gravity of the offence where the allegations concern kidnapping for ransom, criminal conspiracy and homicidal death and where the applicant is alleged to be an active conspirator in

the entire chain of events.

15. This Court is conscious of the fact and it is an admitted position that charges in the present case are yet to be framed due to the want of FSL result and apparently no witness has been examined till date and the applicant has also remained in custody since 02.05.2023. However, in the facts of the present case, the aforesaid circumstances, by themselves, do not persuade this Court to enlarge the applicant on bail at this stage. The accusations are of an exceptionally grave nature involving alleged kidnapping for ransom, wrongful confinement, extortion, criminal conspiracy and murder. The role attributed to the applicant is not marginal. The material collected by the prosecution at least at this stage prima facie indicates active participation of the applicant. Therefore, merely because charges are yet to be framed and no witness has been examined till date, it cannot be held that the applicant has become entitled to bail as a matter of right.

16. This Court is also not persuaded by the arguments of the Ld. Counsel for the accused/applicant that no recovery has been effected at the instance of the applicant. Evidently, the case of the prosecution is not confined to a solitary recovery-based allegation. The prosecution case against

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the applicant/accused is one of conspiracy and coordinated participation.

17. Therefore, having regard to the totality of the facts and circumstances namely the grave nature of allegations, the specific and active role attributed to the applicant and the material collected during investigation, this Court do not deem it fit to grant regular bail to the applicant at this stage. Accordingly, the present bail application of the applicant/accused is hereby dismissed.

Needless to say that nothing observed herein shall be construed as an expression on the merits of the case and all observations are confined to adjudication of the present bail application only.

Copy of this order be given dasti to Ld. Counsel for the applicant, Ld. Addl. PP for the State as well as the IO.

**(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/07.05.2026**

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