

SC NO 810-2024 & IA NO 01-2026
STATE VS. ABBAS ALI
FIR NO. 232/2024
PS NAJAFGARH
U/S 103/109 BNS
CNR No. DLSW01-012443-2024

10.04.2026

Present: Sh. Brijesh Kumar, Ld. Addl. PP for the State.
Sh. Mayank Chauhan, Ld. counsel for applicant / accused
(through VC).

IO/Inspector O.P. Bishnoi is also present.

An application under Section 483 BNSS moved on behalf of the applicant / accused **Abbas Ali** for grant of bail is pending for disposal.

1. It is submitted by the Ld. counsel for the applicant / accused that applicant / accused is innocent person and falsely implicated in the present case and has nothing to do with the alleged offence. It is further submitted by Ld. counsel for the applicant / accused that eye-witnesses as well as public witnesses have not supported the case of the prosecution. It is further submitted by the Ld. counsel for the applicant / accused that investigation is complete and no purpose would be served by keeping the applicants / accused persons in JC any more and hence, it is requested that present application be allowed.

2. On the other hand, Ld. Addl. PP for the State has argued on the present application and opposed the same on the ground that allegations against the present applicant / accused are serious in nature and prays for the dismissal of the application.

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3. The record reveals that on 28.07.2024 at about 01:00 AM, at Bhure ka Makaan, near Yadav Bhawan, Khaira Road, Gopal Nagar, Delhi, the applicant/accused gave a blow with sharp weapon (sarota) on the head of deceased Sufia several time and caused her death. Further, the record reveals that on the said date, time and place, the applicant / accused gave a blow with sharp weapon (sarota) on the head and neck of Razmina Khatoon while she was trying to rescue her mother namely Sufia with intention to kill her with such intention or knowledge. The record further reveals that during the course of investigation, the applicant / accused was arrested on 31.07.2024. After completion of the investigation, a charge sheet was filed before the Court and, accordingly, charge under Section 103(1)/109(1) BNS was framed against the applicant / accused. Thereafter, the eye-witnesses cited by the prosecution, namely PW-3 Smt. Sufiya, PW-4 Smt. Salma Khatoon, PW-5 Sh. Rohit, PW-6 Kumari 'M' and PW-7 Smt. Anju Ara, were examined. However, all the said witnesses turned hostile and did not support the case of the prosecution. PW-3, the complainant had specifically deposed that she fell on the katta containing bottles, due to which she received injuries and she did not know what happened thereafter. As far as PW-4 & PW-5 are concerned, they were largely hearsay witnesses and they also did not support the case of prosecution. PW-6 Kumari 'M' specifically deposed that she did not know anything

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about the present case and specifically deposed that on the day of incident, she was sleeping and had not seen anything. The testimony of PW-7 also explicitly deposed that she did not know about the present case. Although these witnesses were cross-examined at length by the Ld. Addl. PP for the State, they denied the suggestions put to them and did not depose anything incriminating against the applicant / accused. There is no other eye-witness to the incident in the present case. The applicant/accused has been in judicial custody since 31.07.2024. There are about 41 witnesses cited in the present case and the trial is likely to take a considerable period of time to conclude. In these circumstances, no useful purpose would be served by keeping the applicant / accused in further custody. Accordingly, **the present application stands allowed.** Applicant / accused is hereby admitted to bail on furnishing personal bond in the sum of Rs.30,000/- with one surety of like amount to the satisfaction of this Court.

4. Further, accused shall abide by the following conditions:

i) Accused shall not leave the country without prior permission of the Court.

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ii) Accused shall provide permanent address to the Court. The accused shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.

iii) Accused shall appear before the Court as and when the matter is taken up for hearing unless exempted.

iv) Accused shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.

5. Nothing stated herein which shall tantamount to expression of opinion on merits of case and whatever has been stated is only for the purpose of deciding the present application. **Application (IA No.01/2026) stands disposed of accordingly.**

6. Re-notify the matter for the date already fixed i.e **09.06.2026**. Copy of this order be given dasti to Ld. counsel for applicant / accused, as prayed for. Copy of this order be also sent to Jail Superintendent for information and compliance.

(Deepak Wason)
ASJ-04: South-west District:
Dwarka Courts: New Delhi
10.04.2026