

FIR No.316/2014
P.S. Ranjit Nagar
U/s 498A/304B/34 IPC
State Vs. Mohd. Imran etc.

05.12.2016

Present: Ms. Madhu Arora, Ld. Substitute Addl. P.P. for State.

All six accused persons produced from JC.

Proxy counsel for Sh. Praveen Dabas, Ld. Counsel for all accused persons.

Ld. Counsel for complainant.

Today the case is fixed for cross examination of PW-4 Sh. Abdul Sattar and order on bail application of accused Mohd. Imran.

It is submitted by Ld. Counsel for complainant that complainant PW-4 Sh. Abdul Sattar is unable to appear before the court as he is not well, however, on the next date of hearing he will positively appear alongwith his wife Ms. Zaibu Nisha.

No other PW is present.

Put up on the date already fixed i.e. 09.01.2017 and 10.01.2017 for RPE. File be also put up at 2.00 PM for order on bail application of accused Mohd. Imran.

(RAKESH KUMAR-I)
Additional Sessions Judge
Special Judge (NDPS)
(West) Delhi/05.12.2016

05.12.2016 (at 2.00 PM)

Present: Proxy counsel for Sh. Praveen Dabas, Ld. Counsel for all accused persons.

Ld. Counsel for complainant.

Today the case was also fixed for order on bail application of accused/applicant Mohd. Imran, upon which arguments have already been heard in details.

It is submitted by Ld. Counsel for accused/applicant that accused Mohd. Imran is a young boy of 25 years of age and he has nothing to do with the alleged offence. He was arrested in this case on 10.06.2014 by the police and since then he is in JC. Investigation of the case has already been completed and charge sheet has also been filed and prosecution evidence is being led and as such further

detention of accused in the custody shall be nothing but punishment to the applicant without holding him guilty. Main witness of the prosecution i.e. father and mother of deceased have already tendered their examination-in-chief. Applicant has clean antecedent behind him. Applicant has roots in the society and he is ready to abide by any condition imposed upon him at the time of grant of bail.

Per contra, according to Ld. Counsel for complainant and Ld. Substitute Addl. PP for the State, allegations levelled against the accused/ applicant are of serious nature. The case is at the state of recording of prosecution evidence where cross examination of material witnesses are yet to be concluded and possibility of accused/applicant threatening or influencing them can not be completely ruled out. Looking into the seriousness of offence, accused/ applicant is not entitled for the relief claimed in the application.

Having heard the submissions and counter submissions made on behalf of applicant as well as the prosecution and keeping in view the facts and circumstances of this case, particularly the fact that allegation levelled against the accused/applicant are of very serious nature; trial is at the crucial stage where after framing charge, evidence is being led by the prosecution and cross examination of material witnesses of prosecution i.e. PW-4 Sh. Abdul Sattar (complainant) and PW-9 Smt. Zaibu Nisha (mother of deceased) are yet to be concluded and the chances of accused fleeing away from the trial or influencing the prosecution witnesses can not be completely ruled out, so at this stage I am not inclined to grant bail to the accused/applicant Mohd. Imran. Resultantly, the bail application is hereby rejected.

With this the application stands disposed off.

Put up on the date already fixed i.e. 09.01.2017 and 10.01.2017 for RPE.

(RAKESH KUMAR-I)
Additional Sessions Judge
Special Judge (NDPS)
(West) Delhi/05.12.2016