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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1018/2016

ANNU AZIZ @ MULLA Petitioner
Through Mr.Vijay Khanna, Adv.

versus

THE STATE (NCT OF DELHI) Respondent
Through Mr.Amit Chadha, APP for the State.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
31.05.2016

Arguments heard.

The present bail application under Section 439 read with Section 482 of the Code of Criminal Procedure, has been preferred by the petitioner for grant of bail , in a case arising out of FIR No.231/13 registered under Section 302/34 Indian Penal Code at Police Station Kamla Market.

As per the status report filed by the State, the allegations levelled are that the on 28th December, 2013, a call was received at Police Station Kamla Market from Lok Nayak Hospital regarding admission of one Sallauddin Ansari due to burn injuries. On

receiving this information, SI Ramesh Chand reached the hospital and collected MLC of the injured Sallauddin, who was under treatment due to burn injuries and was found fit for making the statement. The injured-Sallauddin in his statement stated that on 28th December, 2013, at about 5.00-6.00 p.m., when he was standing in front of Kotha No.58, G.B. Road, Nasir Iqbal Ahmed and his brother Aziz Mulla, came and took him to his home on the pretext of having tea. When they reached there, Aziz Mulla poured kerosene oil on the hands of Sallauddin while Nasir Iqbal Ahmed caught hold of his hands. At the same time, Aziz Mulla set him on fire with a lighter and after that both of them rushed downstairs after pushing him in a room. He also rushed downstairs in the burning condition and reached G.B. Road where Nasir Iqbal was standing and he told him to go to hospital with him so that his life could be saved. Thereafter, he along with Nasir Iqbal reached hospital in an auto-rickshaw.

The status report further reflects that during the course of investigation, statement of witnesses was recorded and evidence was collected. On 28th December, 2013, the accused Nasir Iqbal Ahmed was arrested and at his instance, the petitioner Annu Aziz@Mulla was

also arrested. On 8th January, 2014, the victim Sallauddin succumbed to his injuries.

On the other hand, learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the above mentioned case. It is stated that the petitioner is languishing in jail since 29th December, 2013 and the investigation in respect of the petitioner has been completed and chargesheet has also been filed and thus no fruitful purpose would be served by detaining the petitioner in judicial custody. Learned counsel for the petitioner has further stated that the learned ASJ vide order dated 28th November, 2015 dismissed the bail application of the petitioner and the learned ASJ did not take into consideration the guiding principles while disposing of the bail application. In support of his contention, learned counsel for the petitioner has relied on the judgments in ***Siddappa Doddasadeppa Gundyagol & Ors. v. State of Karnataka 2010 (1) Crime 13 (Kar.) & D.G. Thimmanna v. State of Karnataka*** passed in Crl.Appeal No.436/2009.

I have heard learned counsel for the parties at length and gone through the available records and judgments relied upon by learned

counsel for the petitioner . Taking into consideration the fact that the petitioner actively participated in the commission of the offence of murder by taking the victim to the place of incident, pouring kerosene oil on his person and setting him on fire with the help of co-accused more so when the victim clearly named the petitioner as one of the accused, I do not find this a fit case for grant of bail to the petitioner.

Consequently, the present bail application is dismissed.

Needless to say any observation made above shall not have any bearing on the merits of the case.

P.S.TEJI, J

MAY 31, 2016/aa