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

Judgment delivered on 24.01.2020

+ **BAIL APPLN. 2829/2019**

Razia @ Sabbo

..... Petitioner

Through: Mr. Sunil Kumar, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Mr. G. M. Farooqui, APP for
State along with Insp. Prashant
Kumar and SI Pramod Kumar,
PS Seemapuri, Delhi.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J. (Oral)

1. Vide this order I shall dispose of the bail application u/s. 439 CrPC filed by the petitioner **Rajia @ Sabbo** in FIR No. 235/2011 u/s. 364/302/201/120-B IPC, P.S. Seemapuri.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. She is in judicial custody since 20.06.2011. It is submitted that no weapon of offence has been recovered in this case. The blood stained clothes

were not sent to FSL for their chemical examination. Therefore it is difficult to say that whether it was human blood or not.

3. It is submitted that husband of the petitioner is also in judicial custody since 20th June 2011 and the two kids of petitioner is in the custody and care of her parents who are aged 91 years and 85 years and it is difficult for them to take care of the children. It is submitted that all the material witnesses have been examined and only investigating officer is left to be examined, therefore, there is no chance of petitioner influencing the witnesses or tampering with evidence. It is, therefore, prayed that petitioner be released on bail.

4. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioners are serious in nature. Petitioner is involved in a heinous offence of murder. He has, therefore prayed for dismissal of the bail application.

5. I have considered the rival submissions. The prosecution version is that on 20.06.11, FIR No 235/11 u/s 364 IPC was registered on the written complaint of complainant Nazmian at PS Seemapuri, Delhi. The complainant stated that his son namely Mohd. Saleem, Aged about 25 years, has left the house without intimation on

17.06.2011 at about 3.30 Hrs. The intimation regarding his not returning home was registered with the Police Station Seemapuri on 18.06.2011. The complainant stated that his son Mohd. Saleem may have been abducted by one Zameer. His son has taken a room on rent in Zameer's house at E6/37, Sunlight Colony, Delhi. He further alleged that Zameer has suspicion that his wife has illicit relation with his son and he might have abducted his son or killed him.

6. During investigation it was revealed that both the accused persons with planning had called the Saleem to their house and killed him with sharp edged weapons and thereafter had cut his dead body into many pieces and put the pieces of dead body in plastic bags. During investigation, co-accused Zameer had got recovered and identified one plastic bag contained dead body of the deceased. One Gandasha and two knives were also recovered at his instance and these were used by him as well as his wife i.e. petitioner to kill the deceased Saleem.

8. Keeping in view the nature of offence and the manner in which the offence was committed and further keeping in mind the incriminating evidence appearing on record against the petitioner, no

grounds for grant of bail are made out. The bail application is, therefore, dismissed.

BRIJESH SETHI, J

JANUARY 24, 2020

Amit

