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

+ **BAIL APPLN. 320/2025**

SANAULLAH @ IMRAN

.....Petitioner

Through: Mr. Umesh Kumar Burnwal, Mr.
Ravikant Kumar, Advocates

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Inspector Ravinder Singh, PS.
Shaheen Bagh.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

09.04.2025

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1. By way of the present application, the applicant seeks grant of interim bail for a period of 30 days in case arising out of FIR bearing no. 148/2019, registered at Police Station Shaheen Bagh, Delhi for the offences punishable under Section 302/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').

2. Briefly stated, facts of the present case are that on 04.08.2019, the deceased Azharuddin went out after receiving a call from the accused/applicant and was last seen with the deceased and another person. He later went missing, and a missing report was filed in this regard. The body of the deceased was found near Yamuna Khadar, Abul Fazal. Based on the statement of the deceased's brother who is the complainant herein, an FIR was registered. During the investigation, a knife and blood-stained



clothes of the accused and co-accused were recovered. The accused/applicant was arrested under Sections 302/34 IPC. It is alleged that he murdered the deceased as he disapproved of his sister Hanifa's relationship with him. It is stated that the present application for interim bail has been filed by the present accused/applicant on the ground of marriage between the accused/applicant and the proposed bride which was initially fixed on 07.02.2025 and now has been postponed and fixed for 15.04.2025.

3. The learned counsel for the accused/applicant argues that the applicant be granted interim bail on the ground that he wants to get married, his physical presence would be required for performing marriage ceremonies and rituals. It is submitted that the present accused/applicant and the proposed bride have known each other since seven years and they wish to get married now. It is argued that the proposed bride has been regularly visiting the applicant in jail since he has been in judicial custody. The learned counsel further submits that the applicant is not a flight risk and undertakes to cooperate fully with the investigating authorities and abide by any conditions imposed by this Hon'ble Court. It is also contended that the investigation in the matter has already been completed, and the chargesheet has been filed before the competent court. In view of the same, it is prayed that the applicant may be granted interim bail to enable him to get married and make necessary arrangements for the same.

4. The learned APP for the State, on the other hand, vehemently opposes the interim bail application and argues that the statements made by the mother of the petitioner and the proposed bride regarding the venue of the intended marriage are inconsistent. Moreover, the proposed bride in her statement states that she has been frequently visiting the petitioner in jail,



has been found to be false upon verification of the records, which do not reflect any such visits. Therefore he prays that the present bail application be rejected.

5. This Court has heard arguments addressed by the learned counsel appearing for either side and has also perused material available on record.

6. The allegations against the present accused, in a nutshell, are that he had murdered the deceased as he did not approve the relationship between his sister and the deceased.

7. This Court finds that as per the first status report, it was revealed that the venue for the proposed marriage was booked as DDA Janta Flat Community Hall, Pocket 11, Jasola, Gate No. 5, near Iqra Masjid, New Delhi; however, the second status report, revealed that the marriage was to take place at the residence of the accused/applicant's younger brother and the earlier mention of the marriage to take place in the community hall was a printing error made by accused/applicant's younger brother. Thereafter, in the third status report, it was revealed that the venue was booked for the date 15.04.2025; however, the Investigating Officer (IO) has confirmed that no such booking was made for the said date by either the applicant or the proposed bride.

8. Thus, in view of the contradictory statements made by the mother of the applicant and the proposed bride regarding the venue of the marriage, this Court is of the opinion that the claim that such marriage is going to take place appears to be doubtful.

9. This Court notes that the proposed bride, in her statement, had stated that she had met the present accused/applicant in one Mother Teresa School, located in the Okhla, Delhi. In this regard, the investigation reveals that no



such coaching centre or school by the name "Mother Teresa School" is exists in the area, as claimed by her.

10. This Court's attention was also drawn to the fact that the proposed bride has only met the applicant two or three times during his judicial custody in the month of January, 2025 only, whereas in her statement she has stated that she knows the accused applicant for the last seven years and has been in constant touch with him even in Tihar jail.

11. This Court is therefore of the view that since there is no credible material to support the claim that marriage is going to take place between the accused/applicant and the proposed bride and the fact that the charges against the accused/applicant are grave and serious in nature, at this stage, the grant of interim bail on ground of marriage of accused stands rejected.

12. However, in case, the accused/applicant files another application on similar grounds, the same will be considered on merits after verification.

13. Accordingly, the present application stands disposed of.

14. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 09, 2025/

Click here to check corrigendum, if any