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

+ BAIL APPLN. 3099/2025

MOHD SHAKEER

.....Petitioner

Through: Mr. Yusuf, Mr. Amit Sharma, Mr. Jatin Sharma, Mr. Rahul Burman and Mr. Aman Juyal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Chandrakant, Advocate with Insp Satvinder Rana SI Anil ASI Netarpal, PS Seemapuri

(79)

+ BAIL APPLN. 3100/2025

AKBAR

.....Petitioner

Through: Mr. Yusuf, Mr. Amit Sharma, Mr. Jatin Sharma, Mr. Rahul Burman and Mr. Aman Juyal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State with Mr. Chandrakant, Advocate

(80)

+ BAIL APPLN. 3146/2025

SAHEEDA

.....Petitioner

Through: Mr. Yusuf, Mr. Amit Sharma, Mr. Jatin Sharma, Mr. Rahul Burman and Mr. Aman Juyal, Advocates



versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State  
with Mr. Chandrakant, Advocate

**CORAM:**  
**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**

**ORDER**  
**20.08.2025**

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1. By way of this order, this Court shall be disposing of the above-captioned applications preferred by the applicant, seeking grant of anticipatory bail, in case arising out of FIR bearing no. 0564/2025, registered at Police Station Seemapur, Delhi for the commission of offences punishable under Sections 103(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS').

2. Briefly stated, the facts of the present case are that the present FIR, dated 26.07.2025, came to be registered at the instance of Muzaffar (eye-witness), aged 24 years, who disclosed that his sister Samina had been married to the deceased Nafees, who ran a tea stall at E-44, New Seemapuri, Delhi. On the night of 24/25.07.2025, the tea stall of Nafees had allegedly been robbed, for which Nafees and his father had suspected one Habibul, a drug addict. When they had confronted Habibul during the day, he had denied the allegation. Later that night, at about 10:30–11:00 PM, when Muzaffar had gone to his sister's house for dinner and reached near the tea stall of his brother-in-law Nafees at New Seemapuri, he had seen that Nafees had been surrounded by Salma Begum, her sons Sheikh Habibul @ Haifa



and Sheikh Islam @ Naai, her son-in-law Nadeem @ Najrul, and her daughter Mamuni. Salma Begum had instigated the others by saying “*Nafees ko chaaku se maaro bachna nahi chahiye, mai dekhungi*”, upon which Habibul had handed over a screwdriver to Nadeem and asked him to kill Nafees. Nadeem had stabbed Nafees in the abdomen, Islam had stabbed him on the neck below the jaw, and Habibul had struck his face with a screwdriver, causing Nafees to fall unconscious. Muzaffar had raised an alarm but was pushed back, while Mamuni had exhorted that since Nafees used to complain against them and had also made a video, he should not be spared that night. On hearing the noise, a crowd had gathered and the assailants had fled. With the help of his friend Tanzeem, Muzaffar had lifted Nafees, who was bleeding profusely, and along with his father Rafikul, had rushed him to GTB Hospital, where the doctors had declared him brought dead. The present FIR was accordingly registered and investigation was taken up. A supplementary statement of the complainant/eye-witness was also recorded in which he disclosed the names of the present applicants.

3. The learned counsel appearing for the applicants contends that the applicants have been falsely implicated in the case, and that they are not named in the FIR by the complainant. It is argued that the only allegation qua the applicants, which surfaced in the supplementary statement of the complainant recorded under Section 180 of the BNSS (corresponding to Section 161 of Cr.P.C.), is that they were present at the spot of the incident and were instigating the other accused persons to commit the offence in question; however, there are no allegations indicating their role in inflicting injuries or causing any harm to the deceased. Furthermore, it is contended that the applicants reasonably apprehend that the complainant was envious



of the shop/business of the applicants, due to which they have been falsely implicated. It is thus prayed that the applicants be granted anticipatory bail.

4. On the other hand, the learned APP for the State argues that the statement of the complainant recorded under Section 161 Cr.P.C. reveals that the applicants were also present at the spot of the incident and that they were actively instigating the co-accused persons to kill the deceased. The statement of the father of the deceased, recorded under Section 161 Cr.P.C., also corroborates the same. Based on this incriminating material, it is submitted that custodial interrogation of the applicants is required, and that if granted bail, the applicants might abscond, flee from justice, and influence witnesses. It is, therefore, submitted that these anticipatory bail applications be dismissed.

5. This Court has **heard** arguments advanced by the learned counsel appearing for the applicants as well as the learned APP for the State, and has perused the material available on record.

6. In the present case, the allegations pertain to the brutal murder of the deceased, in which five persons had initially been named in the FIR with specific overt acts attributed to them. The applicants herein, though not named in the initial FIR, have subsequently been implicated by the complainant and the father of the deceased in their supplementary statements recorded one day after registration of the FIR. In these supplementary statements, it has been alleged that the present applicants were also present at the spot and had actively instigated the co-accused persons to commit the murder.

7. The contention of the applicants that they were not named in the FIR



cannot be accepted in isolation, for the law recognises that an FIR is not an encyclopaedia of the incident and further details often emerge during investigation. The supplementary statements of the complainant and the father of the deceased, recorded within one day of the registration of the FIR, cannot be said to be delayed to such an extent as to cast doubt on their veracity.

8. Further, the offence in question is of a grave and serious nature, involving the killing of an individual in a brutal manner. At this nascent stage of investigation, custodial interrogation of the applicants might be necessary to ascertain their exact role in the commission of offence, and to unearth the larger circumstances leading to the commission of the offence.

9. In view of the seriousness of allegations, coupled with the fact that the applicants have been named by the eye-witness/complainant as well as father of deceased in their supplementary statements recorded without any substantial delay, this Court does not find any ground to grant anticipatory bail to the applicants.

10. The bail applications are accordingly dismissed.

11. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on the merits of the case.

12. The order be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**AUGUST 20, 2025/zp**