

**IN THE COURT OF DISTRICT & SESSIONS JUDGE  
Nehru Nagar Court, North Delhi**

Cr. Appli. 009 of 2019

Date: 22.09.2019

**In the matter of:**

Salman & Ors. ....Applicants

v.

State (N.C.T. of Delhi) .....Respondent

**Coram: Sh. Rupesh Singh, Judge, Sessions Court**

Present: Mr. Bhavesh More, Ld. Public Prosecutor along with IO.

Mr. Shahzeb Ahmed, Ld. Counsel for Applicant

Heard Ld. Counsel for the applicant Mr. Shahzeb Ahmed and Ld. Public Prosecutor Mr. Bhavesh More.

An FIR no. 32/2019 was registered in Model Town police station on 10<sup>th</sup> September 2019 in which the applicants Mr. Salman and Mr. Junaid Khurshid have been implicated with offence of murder. The Ld. Public Prosecutor submits that Ms. Sarita Devi who is resident of Model Town saw someone's hand in the grass in an abandoned plot visible from her balcony at 4:00 pm. She mentioned the names Junaid and Salman who are residents of model town.

The FIR was registered on 10.09.2019, and till now the police have not arrested the accused giving the reason that the accused are absconding but police could

not justify the reason for absconding in this case. The applicants are common traders and are having no previous criminal records. Ld. Counsel for the applicant submits that police have no *prima facie* evidence that establishes the involvement of the accused in this case. The reliance are placed on apex court judgment namely *Dharamveer v. State of Rajasthan, 2000* and *Satpal v. State of Haryana, 2018* in which apex court opined that if there are sufficient grounds that accused are not going to affect the investigation and will not abuse the process, Anticipatory bail can be granted even in the cases of Section 302 of I.P.C, 1860.

This court is of the view that there is no harm in granting anticipatory bail under section 438 of Cr.P.C, 1973 to the applicants in this case, however the applicants will provide the full cooperation to the police authorities and shall appear before them as and when required. Also applicants are not going to meet Ms. Sarita Devi and any other witness who are related to this case directly or indirectly. The Applicants shall not leave the city without prior permission of the court.

Anticipatory bail granted. The police is directed to continue with the investigation in this case and in the event of the arrest of applicants, they shall be released on bail immediately by the police on furnishing the bond of 10000 Rs. /- each.

The copy of this order be given to the S.P.as well as the accused. The matter is disposed off with no cost to party.



**Sh. Rupesh Singh)**  
**Sessions Judge**

**Delhi: 22.09.2019**