

BAIL MATTERS / 403/2025
STATE Vs. MUSTAKEEM
FIR No. 481/2025
PS: Dayal Pur
U/s 309(4)/311/3(5) BNS

31.10.2025

तुषार गुप्ता
Tushar Gupta
अतिरिक्त मुख्य न्यायिक दंडाधिकारी
Additional Chief Judicial Magistrate
कमरा नं. ०८, चौथा तल, उत्तर पूर्व जिला
Room No. 08, 4th Floor, North East District
फाउंडेशन न्यायालय, दिल्ली
Foundation Courts, Delhi

This is an application for bail moved on behalf of applicant/accused Mustakeem.

Present: Sh. Kamal Kapoor, Ld. APP for the State.
Sh. Javed Khan, Ld. Counsel for the applicant/accused.
SI Rajiv in person.

Reply filed by IO. Copy supplied.

Ld. Counsel for applicant has submitted that on 10.10.2025 they had gone to arrange for the burial of their deceased mother. At that time, 6-7 armed assailants attacked the applicant and his family members and causing grievous injuries to them. After that the father of the applicant lodged a written complaint vide DD No 133A at the PS concerned. It is further submitted that despite the fact, the police has lodged the false FIR against them and arrested the applicant. Ld. Counsel for accused argued that accused has been falsely implicated in the present case and accused has no concern with the alleged offense. Ld. counsel of the accused has shown a video footage also in this regard and further submits that the weapon was implanted by the IO in police station. Accused is in JC since 10.10.2025. Thus, it is prayed that accused be granted bail.

Pre-contra, Ld. APP for State argued that allegations are grave in nature and has opposed the bail application. It is submitted by the IO that on the date of incident there was a fight between the applicant and the complainant outside the kabristan and the accused in the present case has fired a shot outside the house of the complainant. IO has also shown a CCTV footage in his mobile phone and submitted that the accused can be seen running with a Desi Katta in his hand near the house of the complainant.

Arguments heard and perused.

In the present matter, the present FIR is lodged on the complaint of the complainant against the accused and his family members. Further, the another FIR no. 484/25



has been lodged against the complainant on the complaint of the father of the accused in the present matter. Undoubtedly, there was fight between both the parties and two FIR has been lodged against both the parties. Now, if I go as per the contents of the present FIR, the complainant has alleged that the accused person had shot the bullet outside his house. On query put by this court, IO submitted that the shell of the bullet was not recovered from the spot, however the bullets marks were visible on the gate of the house of the complainant and FSL team was called on the spot to conducted the investigation. In his reply, IO has submitted that the accused Mustakeem was arrested by him on an information received from the secret informer, however after perusing the CCTV footage of the police station it can be seen that accused Mustakeem himself went to the police station and the same fact is confirmed by the IO on a query asked by this Court. Thus, it can be very well said that the IO has filed a false report in this matter to mislead the court. Further, from the photographs placed on record, it can be seen that the father of the accused has received grievous injuries on his head which are alleged to be caused by the complainant. The other cross FIR which has been lodged on the complaint of the father of the accused is U/s 110/3(5) of BNS, 2023. However, from the perusal of the record it can be seen that the father of the accused was badly injured by the complainant and the other assailants, despite the facts appropriate sections have not been added by the police in the FIR lodged by the father of the accused. Nevertheless, Ld. Counsel for the accused has also submitted that the IO has alter the contents of his complaint and the contents which are in FIR lodged by the father of the accused are not true rather altered just to give undue benefit the the complainant. Perusal of the original complaint of the father of the accused and the FIR no. 484/2025 reflects that the contents and the facts of both are not same. Further, the complainant and the other persons were not arrested in the other cross FIR and they were bound down, on the other hand the accused who himself came to the police station was arrested by the police and sent to custody. Therefore, it can be said that IO is not investigating the case properly.

In view of above discussion, this court deems fit to issue notice to the Joint commissioner of police to take appropriate action against the IO for filing a false report in present case as discussed above and not investigating the case properly and file the compliance



Report on NDOH. Action be also taken on the SHO and ACP concerned for the supervisory lapse on their part.

Coming to the decision of the present application, This Court would have granted bail to the accused in the present matter had the IO been failed to show the video of the accused who can be seen running with the katta in his hand. Firing a bullet shot outside a house is a serious offense. Undoubtedly, the fact is yet to be established and proved in the investigation, however the gravity and seriousness of the act of the accused/applicant cannot be ignored. Further, one more person can be seen in the video who also have a weapon in his hand and was running with the accused who is yet to be apprehended. Therefore, in the back drop of the allegations of firing of bullet outside the house of the complainant, this Court is not inclined to grant bail to the accused/applicant.

Therefore, present application stand dismissed.

Nothing expressed in the said order shall be construed as expression of opinion of the Court on the merits of the case.

Application stands disposed off accordingly.

Copy of order be given dasti.

Put up for filing of Compliance Report on 03.11.2025.

sd

(Tushar Gupta)

ACJM/NE/KKD Courts

31.10.2025

अतिरिक्त मुख्य न्यायिक दफ्तरिकारी
Additional Chief Judicial Magistrate
उत्तर पूर्वी जिला
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Karkardooma Courts, Delhi

