

IA No. 04/2025
SC No. 263/2023
State Vs. Himanshu @ Makoi & Ors.
FIR No. 01/2023
PS Gazipur
U/s 302/34 IPC

03.07.2025

File has been taken up today on the interim bail application of the accused Nitin Kumar.

Present:- Sh. S.K. Tripathi, Ld. Addl. PP for the State.
Sh. Purushottam Singh, Ld. Counsel for the accused, through VC.
IO/Inspector Narendra Singh has joined the proceedings through VC.

Reply of the application has been filed.

Counsel for the accused has submitted that no other bail application of the accused is pending either before the Hon'ble High Court of Delhi or before any other court; that the grandfather of the accused expired on 21.06.2024; that the cremation of the grandfather of the accused was done on 22.06.2025; that the 'Terahanvi' of his deceased grandfather is to be performed on 04.07.2025; that the father of the accused is very old and is not able to perform the rituals of 'Terahanvi', therefore, the accused has to perform the said rituals, hence, the accused may be released on interim bail.

Ld. Addl. PP for the State opposed the application arguing that the accused has committed a heinous offence; that the cremation of the deceased grandfather of the accused has already been done and therefore, the accused may not be released on interim bail.

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Argument heard. Record perused.

The cremation of the grandfather of the accused has already taken place and the rituals in his cremation must have been performed either by the father of the accused or by some other person, who can also now perform the rituals in the 'Terahanvi'. Accordingly, the arguments that the father of the accused being an old person cannot perform the rituals of 'Terahanvi' holds no water.

Having discussed as above, this court is not inclined to admit the accused Nitin Kumar on bail. Accordingly, the instant application stands dismissed.

Put up for purpose fixed on the date already fixed i.e. on 26.08.2025.

Copy of the order be given dasti.

(Subhash Kumar Mishra)
Additional Sessions Judge-03,
East, KKD Courts, Delhi
03.07.2025