

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

+ **Bail Appl.No.827/2008**

% **Date of decision : 01.08.2008**

Kamal & Anr Petitioners

Through: Mr.A.Hussain, Advocate.

Versus

The State (NCT of Delhi) Respondent

Through : Mr. R.N. Vats, APP for the State.
SI Ram Phal, P.S.Uttam Nagar.

CORAM :-

* **HON'BLE MR. JUSTICE ANIL KUMAR**

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| 1. | Whether reporters of Local papers may be allowed to see the judgment? | YES |
| 2. | To be referred to the reporter or not? | NO |
| 3. | Whether the judgment should be reported in the Digest? | NO |

ANIL KUMAR, J.

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The petitioners seek bail under Section 439 of the Criminal Procedure Code in FIR No.764/2007 under Section 304 of Indian Penal Code, P.S.Uttam Nagar who are in judicial custody since 30th October, 2007.

The petitioners are neighbors of Late Surajmal and his sons. An altercation had taken place between the petitioners and Late Surajmal and his sons on Janamastmi and in the altercation the maternal uncle

of the applicants was attacked and he had sustained serious injuries, because of which an FIR No.759/2007 dated 5th September, 2007 was registered against Sandeep, Nasib and another accused who are sons of deceased Sh. Suraj Mal, who have since been released on bail for the offences under Section 323/307/34 of IPC pursuant to order dated 18th October, 2007 of Additional Sessions Judge.

The FIR No.764/2007 was registered against the petitioners after the demise of Surajmal after the altercation between the two parties. The statement of the widow Smt.Bimla was recorded on 26th September, 2007 who stated that her husband was beaten with dandas whereas the son of the deceased, Naseeb in his statement had stated that Surajmal was beaten with kicks and fist blows.

The FIR registered against the petitioners reveals that when PCR van had taken the deceased Suraj Mal to the hospital, he was under the influence of liquor. He was asked to give statement, however, he did not cooperate and did not give his statement.

The petitioners are not previous convicts and in the circumstances considering all the facts they are entitled for bail. Therefore, the petitioners be released on bail subject to their furnishing personal bonds of Rs.20,000/- each with one surety each of like

amount to the satisfaction of the trial Court. The petitioners shall not try to influence any of the witnesses and shall appear before the trial Court unless exempted by the Court.

Dasti.

August 01, 2008
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ANIL KUMAR, J.