

Present: Mr. D.S. Chahal, Adv. for petitioner.
Ms. Fizani Husain, APP for the State with SI Om Prakash
from PS Swaroop Nagar.

+ Cri.M.A. No.10575/2009

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Exemption allowed subject to just exceptions.

Bail Application No. 1769/2009

1. Notice.
2. Ms. Fizani Husain accepts notice on behalf of the respondent.
3. By this application, the applicant has prayed for grant of anticipatory bail in the case registered by the police station Swaroop Nagar as FIR No. 174/09 under section 324/308/34 of the Indian Penal Code. It is contended that the applicant has been implicated for the reason that he happens to be the maternal uncle of the co-accused Vikram @ Sonu with whom the complainant allegedly had a fight.
4. Learned counsel for the petitioner has drawn my attention to an order dated 13th August, 2009 whereby this main accused has been admitted to bail. Perusal of the order would show that the court noted that the complainant had been discharged from the hospital on the very date of the incident and that the accused person was not required for any purpose by the investigating agency.

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5. Learned counsel for the applicant has also urged that Vikram @ Sonu who has been implicated as a main accused by the complainant actually received extensive injuries all over his body due to the assault launched by the complainant party which necessitated stitches over his head as well as his eyebrows. As the police failed to take action on the statement of Vikram @ Sonu, he has separately filed a criminal complaint before the ACMM, Rohini courts, Delhi under section 200 as well as section 156(3) of the CrPC regarding the incident which according to him actually took place. Copy of this complaint has been placed before this court.

6. The MLC of the complainant has been placed before this court which shows that the doctor has opined the injuries to be simple in nature. The co-accused stands released on bail. The applicant is stated to be related to the main co-accused.

7. The applicant is stated to be having roots in society and is a permanent resident of Delhi who has not been implicated in any other case. The applicant is also stated to be the sole bread earner of his family.

Accordingly, it is directed that in the event of arrest, subject to the applicant furnishing a personal bond in the sum of Rs.20,000/-

with one local surety in the like amount to the satisfaction of the arresting/investigating officer, the applicant shall be released on bail.

The applicant shall join investigation as and when required by the investigating officer to do so.

This application is allowed in the above terms.

Dasti

September 10, 2009

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Gita Mittal, J.