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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 359/2015
TAJU @ TAJ MOHAMMAD Petitioner
Through: Mr S.K. Gandhi, Advocate

versus

STATE GOVT. OF NCT OF DELHI Respondent
Through: Ms Fizani Hussain, APP for the State
along with SI Satish Kumar, PS Alipore,
Delhi.
Mr S. Sachar, Advocate for complainant

+ BAIL APPLN. 361/2015
TEDHA @ MEHBOOB Petitioner
Through: Mr S.K. Gandhi, Advocate

versus

THE STATE GOVT OF NCT Respondent
Through: Mr Pramod Saxena, APP for Mr O.P.
Saxena, APP for the State
Mr S. Sachar, Advocate for complainant

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% 13.03.2015

1. Vide this common order, I shall dispose of two bail applications bearing bail application No.359/2015 and bail application No.361/2015 as both the petitioners are seeking anticipatory bail in case FIR No.144/15 u/s308/323/341/34 IPC registered with PS Alipur, Delhi.
2. The FIR in the instant case was registered on the basis of complaint of Md. Abid Khan, S/o Hukum Chand, R/o Village Hamidpur, Delhi-36. In his complaint the complainant alleged that on 8th February, 2015, he was standing outside his house and was about to leave for participating in the

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marriage of a friend. At about 7:30 p.m. accused persons, namely, Mehboob and Harun both S/o Anwar Ali came in a silver Colour Santro car and suddenly got down from the car near the complainant and caught hold of the complainant. In the meantime four more accused persons namely, (1) Monu, S/o Kalli; (2) Tedha who is son of maternal uncle of Monu; (3) Taju and (4) Sameer reached at the spot and started giving blows with *danda* and fists. The complainant suffered head injury in the alleged incident. This resulted into oozing of blood from the head of the complainant. Seeing this incident Ms. Jamila who is the sister of the complainant came near the spot and tried to rescue her brother. Accused persons in very defiant manner started beating the sister of the complainant as well. Jamila also got injured. Complainant and her sister were taken to hospital where they got treatment and MLC was prepared.

3. It is submitted by the learned counsel for the petitioner that the appellants have been falsely implicated in the instant case at the instance of brother of the complainant who is a police official and is repeatedly harassing the applicant party. A cross case was also registered under Section 325 IPC against the brother of the complainant. The allegations do not make out a case under Section 308 IPC, as such, the petitioner be granted protection.

4. Learned Additional Public Prosecutor for the State opposes the application on the ground that injuries were caused on the head of the complainant. Not only that, after seeing the incident when sister of the complainant came near the spot and tried to rescue her brother, she was also given beatings and she sustained injuries. The petitioners are evading their arrest. As such, they are not entitled to be released on bail.

5. Keeping in view the specific role as detailed in the FIR, it is not a fit case for grant of anticipatory bail.

The applications are accordingly dismissed.

Sunita Gupta
SUNITA GUPTA, J

MARCH 13, 2015

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