

\$~3

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

Judgment delivered on: 1st July, 2015

+ BAIL APPLN. 1068/2015

BABU LAL

..... Petitioner

Represented by: Mr. Suraj Prakash
Sharma, Adv.

versus

THE STATE GOVT OF NCT DELHI

..... Respondent

Represented by: Mr. Ravi Nayak, APP for
State with ASI Ram Avtar, PS-Begumpur.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition, petitioner seeks anticipatory bail in case FIR No. 470/2015, registered at PS-Begumpur for the offences punishable under Sections 308/341/34 IPC.

2. The case of the prosecution is that complainant Mohit, who was working as a helper at Shop of Dacart at Sector-20, Rohini, Delhi and the petitioner and Umrao Singh, who are brothers, residing at B-4 Block at the other side of the road had a quarrel around two years back and the matter was compromised later on.

But since then, some hot arguments used to take place between them.

3. On 30.04.2015, when the sister-in-law of Mohit, namely Monika and his sister Priyanka were on the first floor of their house, at the same time, Ms. Santra, wife of Umrao Singh, started abusing his sister and sister-in-law from the front side of the roof itself. His sister-in-law told him about this. On hearing this, he went to their house at about 11.15 PM to make her understood. Then Santra and Umrao Singh came down and started abusing and beating him with fists and blows. He tried to escape himself from their clutches, but the aforesaid persons again restrained him and petitioner Babu Lal hit the bricks upon the complainant Mohit from the second floor of the house, due to which blood started oozing out of his head.

4. Ld. Counsel appearing on behalf of the petitioner submits that allegations of fists and blows are against Santra and Umrao Singh. However the allegations against the petitioner is that he threw bricks upon the complainant Mohit.

5. As per the MLC report, the injury on Mohit is simple, however, the dental injury is grievous. Therefore, the grievous injury is due to the fists and blows of Santra and Umrao Singh and not due to the throwing of bricks of petitioner Babu Lal, which had hit the head of Mr. Mohit and that injury is simple.

6. Ld. Counsel further submits that the aforesaid two accused namely, Santra and Umrao Singh have already been released on anticipatory bail by the Trial Court and this Court respectively.

7. Ld. Counsel submits that since the role of the petitioner is similar to the other two accused, therefore, on parity he is entitled for anticipatory bail.

8. On the other hand, ld. APP for the State submits that petitioner had thrown a brick from the second floor, which had hit the head of the complainant Mohit. Though the injuries are simple but that could have been fatal. Therefore, the present petition may be dismissed.

9. Ld. APP has taken instructions from the IO, who has confirmed that as per MLC, head injury is simple, whereas the dental injury is grievous.

10. I note, pursuant to order dated 29.05.2015, the petitioner has joined the investigation and is no more required for custodial interrogation.

11. Therefore, keeping in view the fact that co-accused named above have already been granted anticipatory bail, I am of the considered opinion, the petitioner is also entitled for anticipatory bail.

12. In view of above, petitioner shall be released on bail in the event of arrest in terms of order dated 29.05.2015 passed by this Court.

13. *Dasti.*

SURESH KAIT, J

JULY 01, 2015

jpg