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

+ **BAIL APPLN. 1143/2015**

SHAKEEL AHMED Petitioner
Through: **Mr.Anurag Jain, Advocate.**

versus

THE STATE (NCT OF DELHI) Respondent
Through: **Mr.M.P.Singh, APP.**

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **09.07.2015**

The Petitioner seeks Bail in anticipation of his arrest in connection with Malviya Nagar PS case no. 329 dated 19.02.2015, instituted under section 392/34 IPC.

By order dated 09.06.2015 no coercive steps were directed to be taken against the Petitioner till the next date of hearing subject to the condition that the Petitioner appeared before the IO on 13.06.2015 at 11 am and thereafter as and when directed by the IO. The Petitioner was asked to furnish his current address and mobile telephone number. In case the Petitioner was required to shift from the given address or leave Delhi, he would intimate the IO beforehand

It is submitted on behalf of the Petitioner that he has joined the investigation and has been fulfilling the aforementioned conditions which were imposed upon him.

One Muhammed Mia lodged a complaint alleging that he was assaulted by the Petitioner, his son and nephew on 19.02.2015, when he told co-accused Shakil Ahmed that the cost of repair of Alto car would be Rs. 1000/-.

The complaint claims to be a mechanic. He has alleged that the Petitioner, had come to him for repair of his vehicle. On learning the cost of repairs, the complainant was assaulted. He is also alleged to have been divested of his gold chain and locket.

Learned counsel for the Petitioner submits, that the Petitioner has been falsely implicated. The nephew of the Petitioner, namely Salman who is a taxi driver by profession, had given his car, bearing no. DL-8CH-4854, to the complainant for repairs and had paid Rs. 5,000/- for purchase of spare parts. The complainant did not repair the car and was not even ready for return of Rs. 5,000/-. In fact the son and nephew of the Petitioner were manhandled and only with the intervention of local residents that he could come back to his home.

It has further been submitted on behalf of the Petitioner that one FIR bearing no 331/2015 (PS Malviya Nagar) has been instituted at the instance of the nephew of the Petitioner against the complainant of the present case for offences under sections 308/452/34 of the IPC.

The complainant of the present case has been granted anticipatory bail by a bench of this court in bail application number 479/2015, vide order dated 09.04.2015.

From the perusal of the FIR itself it would appear that no case of robbery is made out. The mere fact that the nephew of the Petitioner is a taxi driver whereas the complainant is a car mechanic, the allegation of robbery

appears to be doubtful. The allegation appears to have been conjured up for giving a serious colour to the case.

It has been stated that one of the witnesses of the case, namely Sharik, has given a statement under section 161 CrPC, alleging threatenings to him. Consequently, section 195A IPC has also been added to the FIR.

The Petitioner has already joined the investigation.

Looking at the circumstances of the case as also the counter allegation by the nephew of the Petitioner no useful purpose would be served with the arrest of the Petitioner at this stage.

Accordingly, this application is allowed.

In case of arrest, the Petitioner shall be released on bail upon furnishing bond in the sum of Rs. 25,000/- with two sureties of the like amount to the satisfaction of the arresting officer/IO of the case. This order is subject to the Petitioner joining the investigation and cooperating with the police.

Dasti.

ASHUTOSH KUMAR, J

JULY 09, 2015

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