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

+ BAIL APPLN. 1329/2015

ANKIT ANAND ..... Petitioner

Through: Mr.J.P.Singh, Advocate.

versus

THE STATE NCT OF DELHI ..... Respondent

Through: Mr.M.P.Singh, APP.  
Mr.Sanjay Suri, Advocate for the  
complainant.  
SI Rajiv Kumar, P.S.North Rohini.

**CORAM:**

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

**ORDER**

% **18.08.2015**

The petitioner is stated to have inflicted injuries on the person of Mayank and Gaurav. Both of them have received injuries on the occipital/parietal region of their body.

Allegation in the first information report is that out of nowhere the petitioner came and while the victims i.e. Mayank and Gaurav were having food at a stall, they were attacked by an iron like substance several times.

It is further alleged that because of such assault, the victims had to be taken to hospital. Mayank could not lodge the first information report straightway as he was suffering from excessive pain.

The petitioner was given an interim protection by order dated

10.7.2015. After such protection was given to him, he joined the investigation and offered his own explanation.

It has been submitted on behalf of the petitioner that both the victims i.e. Mayank and Gaurav insinuated him for his being a member of reserved category which made him clear the B.Tech entrance examination. Peeved by such insinuation, the petitioner admits of having given a push to both the victims who received injuries after being dashed against a wall. Learned counsel for the petitioner submits that prior to the present case, the petitioner was not involved in any other case whatsoever.

The injury report in the police file has been perused. Though the injuries on Mayank and Gaurav are on the occipital/parietal region, nonetheless the injuries are stated to be simple in nature.

Learned counsel for the complainant submits that custodial interrogation is necessary as there is no confirmation of the nature weapon which was used by the petitioner and such weapon has not been recovered. He submits that for recovery of the weapon of assault, the petitioner ought to go to jail.

Perused the order dated 29.6.2015 whereby the prayer for anticipatory bail of the petitioner was rejected. Non recovery of the weapon and the requirement of custodial interrogation for the recovery of the weapon of assault are the grounds on which the prayer for bail was rejected.

Considering the fact that there was no premeditation in the attack, nature of the weapon of assault could not be stated precisely by the victims; injuries being simple in nature and the clean antecedents of the petitioner, this Court is inclined to accord the privilege of anticipatory bail to the petitioner.

In the event of arrest, the petitioner would be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties in the like amount to the satisfaction of the arresting officer/SHO of the concerned police station.

The petitioner would diligently join the investigation and would not cause any delay in this case being brought to a logical end. In case the petitioner defaults or commits any such act so as to give an impression to the SHO, that he is deliberately delaying the conclusion of investigation / trial of the case, necessary application may be moved for cancellation of his anticipatory bail.

Application is allowed.

**ASHUTOSH KUMAR, J**

**AUGUST 18, 2015**

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