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

+ **BAIL APPLN. 1400/2015**

SABBU

..... Petitioner

Through: Mr.R.K.Tarun, Advocate.

versus

STATE

..... Respondent

Through: Ms.Alpana Pandey, APP.
SI Mehrab Alam, P.S.Khajuri Khas.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **24.08.2015**

The petitioner seeks anticipatory bail in FIR No.53/15 instituted under Section 308 of the Indian Penal Code.

The petitioner is stated to be an employee of the complainant/informant. On the employer not paying him Rs.4000/- which was due to him, he is said to have, in a huff, given two blows by a screw driver on the head of the complainant, leading to grievous injuries on his person.

Admittedly the petitioner is an employee of the informant. From the narration of the events in the first information report there does not appear to be any premeditation with respect to the attack made by the petitioner. It is submitted that even assuming the allegations in the first information report to be ex facie true, no offence under Section 308 IPC can at all be said to have been made out.

The prayer for bail has been seriously opposed by the APP on the ground that the injuries suffered by the informant were found to be grievous. It has also been submitted that one of the sureties offered by the petitioner was not sure about the future conduct of the petitioner.

However, considering the fact that the petitioner has been an employee of the informant and the overt act alleged against him was not premeditated or pre-planned, the petitioner is directed to be released on bail in the event of his arrest, on his furnishing bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Arresting Officer/Station House Officer of the concerned police station.

The petitioner would participate in the investigation diligently and would not give any opportunity to the investigating officer to raise any complaint against him. In case the petitioner defaults in participating in the investigation, the IO of the case would be at liberty to file necessary application for cancellation of his bail.

The application is disposed of.

ASHUTOSH KUMAR, J

AUGUST 24, 2015

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