

\$~11

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

+ **BAIL APPLN. 2373/2015**

AKASH

..... Petitioner

Through Mr.Aditya Agarwal, Ms.Tanya
Agarwal & Mr.Rahul Kumar, Advs.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through Ms.Rajni Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

%

23.11.2015

Crl.M.A No.15997/2015

Exemption granted subject to all just exceptions.

Application stands disposed of.

Bail Appln.2373/2015

The petitioner seeks bail in anticipation of his arrest in FIR No.1280/2015 (PS New Ashok Nagar) instituted for offence under Section 308 of the IPC.

It has been submitted on behalf of the petitioner that from the First Information Report itself, it would appear that the allegation against the petitioner is false and is not substantiated.

An information regarding a quarrel was received at the concerned police station. On such information, the local police personnel went to the place of the occurrence, only to find that the injured has been shifted to a hospital. No FIR was registered on that date even though the police visited

the hospital on the date of the occurrence as well as of the report.

The reason for no statement forthcoming from the injured Ajit was his unfit condition.

The injured made his statement on the next day i.e. 21.09.2015 wherein he alleged assault on his head by means of danda by the petitioner. It has further been alleged by him that on his exhortation, another co-accused, Sonu, assaulted the informant by means of a rod.

It is submitted that the injuries suffered by the victim is simple in nature.

The petitioner has a different story to narrate. He has submitted that the complainant had obtained a friendly loan from him with an assurance that he shall return the amount in a short time.

The present FIR against the petitioner, it is argued, is only a ploy to avoid making any payment of the accommodation loan which was obtained by the victim from the petitioner.

Be that as it may, such allegation and counter assertion has to be investigated.

The petitioner shall participate in the investigation and would not evade the process of investigation. The petitioner shall visit the police station as and when required by the investigating officer of this case.

Any attempt on the petitioner to run away from the process of law would entitle the IO of the case to file an affidavit before this court in the same petition seeking cancellation of his anticipatory bail.

In the facts and circumstances of the case and what has been stated above, the petitioner is directed to be released on bail on his furnishing a bond in the sum of Rs.10,000/- with two sureties of the like amount to the

satisfaction of the arresting officer/SHO of the concerned police station.

Needless to say that the petitioner shall provide his whereabouts and mobile telephone number on which he could be contacted by the investigating officer of the case.

The application is disposed of accordingly.

Dasti.

ASHUTOSH KUMAR, J

NOVEMBER 23, 2015

ab