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

+ BAIL APPLN. 94/2016

SANJAY

..... Petitioner

Through: Mr.Vinay Kumar Sharma &
Mr.Udham Singh, Advocates

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms.Rajni Gupta, APP for the State
with SI Sandeep PS Palam Village

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.01.2016

1. By filing the present application, the petitioner is seeking anticipatory bail in case FIR No.2/2016 under Sections 323/341/506/34 IPC (Section 325/308 IPC added later on) registered at PS Palam Village.
2. The co-accused of the petitioner has already been granted anticipatory bail by the learned ASJ on 8th January, 2016. However, the prayer of the petitioner for grant of anticipatory bail has been declined by learned ASJ apparently for the reason that allegations against him is that he threw a brick towards the complainant as a result of which she received injury on her forehead.
3. The FIR No.2/2016 PS Palam Village has been registered on the basis of statement of Smt.Sunita, the complainant wherein she has stated that the accused persons were celebrating New Year eve on their terrace by playing DJ and were also taking liquor. When they were asked to stop the DJ the occurrence took place. She has also stated that when she came down from

the terrace along with her son and approached the Gali, the family members of Vicky obstructed her way and Sanjay hit on her head with a stone. She was removed to the Hospital by PCR Van. She had become unconscious and gained consciousness only in RML Hospital.

4. On behalf of the State it has been submitted that after receiving the opinion about nature of injury on the MLC, Section 308 IPC has been added. In the given facts petitioner is not entitled to be released on bail.

5. The MLC of complainant, Ms.Sunita, has been placed on record. The said MLC is prepared at Mata Channan Devi Hospital and injury is described as sharp cut over scalp. In the MLC it is recorded as “Cut injury over forehead 10 cms lengths, deeping up to Skull bone.”

6. Without making any observation in respect of the nature of injury which has been referred to as sharp cut but allegations are of she being hit by a brick thrown from the terrace, the patient being brought to Mata Channan Devi Hospital in conscious state, I find it to be a fit case to enlarge the Petitioner on anticipatory bail. It is directed that in the event of arrest, the Petitioner be released on bail subject to his furnishing personal bond in the sum of ₹40,000/- with one surety in the like amount to the satisfaction of the concerned IO/SHO. However, the petitioner shall join the investigation as and when required by the IO/SHO.

7. Application stands disposed in the above terms.

8. Any observations made hereinabove for the purpose of dealing with the contentions of counsel for the Petitioner shall not be deemed to be an expression on merits of the case.

9. Order *dasti*.

PRATIBHA RANI, J.

JANUARY 21, 2016/‘pg’

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