

\$~7

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

+

**BAIL APPLN. 97/2016**

SHAMSHER

..... Petitioner

Represented by: Mr. Mansoor Ali, Advocate.

Versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ashish Dutta, Additional  
Public Prosecutor for the State  
with SI Manoj Singh,  
P.S. Mehrauli.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KAIT**

**ORDER**

%

**22.02.2016**

1. Vide the instant application, the petitioner seeks directions that in the event of his arrest in case bearing FIR No.3397/2015 registered at Police Station Mehrauli, New Delhi, for the offences punishable under Sections 308/34 IPC, he may be admitted to bail by the Investigating Officer.
2. Learned counsel appearing on behalf of the petitioner submits that the petitioner made a complaint against Akbar Ali, Raisuddin and Zamalu. Consequently, FIR bearing No.3398/2015 was registered on 26.12.2015 at Police Station Mehrauli, for the offences punishable under Sections 323/354/34 IPC against the aforesaid persons. The complainant in the present case is Ahmad Ali, son of Akbar Ali, who is accused in case bearing FIR No.3398/2015. Thus, the present case against the petitioner is because of personal vendetta.

3. In the present case, there are allegations against the petitioner, who hit the complainant alongwith Kallu and Yunus.

4. Learned Additional Public Prosecutor, on instructions from SI Manoj Singh, present in Court, submits that Kallu and Yunus were not present at the spot, therefore, the complainant made false allegations against the aforesaid Kallu and Yunus. However, the petitioner was there, who hit the complainant with danda.

5. Keeping in view the facts and circumstances of the case and the fact that the complainant has roped the aforementioned two persons, though at this stage, it cannot be said that whether the petitioner was present there, however, without commenting upon the merits of the case, in the event of arrest of the petitioner in FIR in question, he be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Investigating Officer.

6. In view of the above, the present petition stands disposed of.

**FEBRUARY 22, 2016**

sb

**SURESH KAIT, J.**