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

+ **BAIL APPLN. 295/2016**

SAMEER KHAN

..... Petitioner

Through : Mr.S.K.Rai, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through : Mr.Vinod Diwakar, APP with SI
Kamal Kumar.
Mr.Girish Gupta, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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08.02.2016

1. The petitioner seeks anticipatory bail under Section 438 Cr.P.C. in case FIR No.58/2016 registered under Sections 308/34 IPC at PS Okhla Industrial Area. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that Section 308 IPC is not attracted in this case. The petitioner has been falsely implicated in this case. The petitioner was working as a labour in the factory of the complainant – Deenu Malik who used to torture him. When the petitioner requested the complainant to deposit his Provident Fund in the department and also to make ESI card for his medical check-up, he started harassing him.

3. Learned Addl. Public Prosecutor urged that injuries suffered by the victim are 'grievous'.

4. The petitioner has been specifically named in the FIR. It is alleged that he along with his 3 or 4 associates caused injuries on Abhay's head and also hit him with stools. When Sonu, other worker tried to intervene, he was also attacked by him. ₹15,000/- were also removed by the petitioner and his associates. Status report further reveals that all the injured were having injuries on their heads. Deenu Malik sustained grievous injuries by blunt object on his head whereas two other individuals sustained simple injuries. The petitioner has not joined the investigation so far.

5. Considering the gravity of the offence, it is not a fit case for grant of anticipatory bail. The bail application is dismissed.

S.P.GARG, J

FEBRUARY 08, 2016 / tr