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

+ BAIL APPLN. 292/2016

RAKESH Petitioner
Through Mr.Narender Thakur, Adv.

versus

THE STATE Respondent
Through Ms.Manjeet Arya, APP for the State

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
08.02.2016

Aggrieved by the order dated 27th January, 2016 passed by the learned Additional Sessions Judge, refusing to grant anticipatory bail to the applicant, the present petition under Section 438 read with Section 482 of the Code of Criminal Procedure, has been filed by the petitioner for grant of anticipatory bail.

Learned counsel for the petitioner has submitted that there is no head injury with the sword though the sword was alleged to be in possession of the accused petitioner.

Perusal of the order of learned Additional Sessions Judge shows that the arguments advanced by the petitioner before the learned ASJ was that the co-accused Sonu had been granted anticipatory bail by this Court while other co-accused Sushil and Keshav had been granted anticipatory bail by this Court. Co-accused

Amru had been granted regular bail. It was also stated that the injuries suffered by the complainant were simple in nature and that the complainant had been discharged from the hospital.

The bail application of the applicant was opposed on the ground that the co-accused Sonu & Suhail caught the complainant while the petitioner had hit the complainant with sword causing him head injury. Learned counsel for the petitioner submits that in the similar circumstances, the co-accused have been granted bail and, thus, the Trial Court had wrongly refused to grant bail to the petitioner on parity.

In the facts and circumstances of the case, this Court is of the considered opinion that bail was not granted on account of attribution of the injury. The learned APP for the State has submitted that custodial interrogation for recovery of sword is required and non-bailable warrants have already been issued against the accused.

In the facts and circumstances, no grounds for grant of anticipatory bail are made out.

The present bail application is dismissed.

P.S.TEJI, J

FEBRUARY 08, 2016

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