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

+ BAIL APPLN. 378/2016

KULDEEP

..... Petitioner

Through: Mr. Amit Rao, Advocate

versus

STATE

..... Respondent

Through: Mr. Ravi Nayak, APP

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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11.03.2016

The present is an application under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code') seeking pre-arrest bail in FIR No.879/2015, under Sections 308/34 IPC, registered at Police Station-Keshav Puram.

A perusal of the status report filed on behalf of the SHO Police Station-Keshav Puram dated 11.03.2016 reveals that the complainant as well as the applicant in the subject FIR have a property dispute which erupts periodically resulting in altercation between the parties. The status report further reveals that both the parties are habituated, inasmuch as, they keep calling up the police and make complaints against each other. Lastly, it is relevant to note that even on the date of the alleged incident when the subject FIR was registered; a cross-FIR No.875/2015 dated 22.12.2015, under Sections 354-B/323/34 IPC had also been registered by the applicant's mother against the complainant herein at a prior point in time to the subject FIR.

In the present case, it is observed that the applicant has intermittently joined investigation. The only caveat inserted on behalf of the police is that they are yet to recover the baseball bat, allegedly used by the applicant to

assault the complainant on the date of the occurrence. In this behalf, it is relevant to note that the injuries suffered by the complainant have been opined to be simple in nature.

In view of the foregoing, the present application is allowed. In the event of his arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety of the like amount to the satisfaction of the Arresting Officer/Station House Incharge subject to the further conditions that:-

- (i) The applicant shall continue to co-operate with the investigation and make himself available for questioning to a Police Officer as and when called upon to do so.
- (ii) The applicant shall not try and influence witnesses or tamper with the evidence in the subject FIR.
- (iii) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority.

With the above directions, the present application is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MARCH 11, 2016

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