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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 505/2016

RAJESH

..... Petitioner

Through

Mr. Amitesh Gaurav, Advocate

versus

STATE

..... Respondent

Through

Ms Neelam Sharma, Additional Public
Prosecutor for the State

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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05.04.2016

1. This is an application u/s 438 Cr.P.C. filed by the petitioner for grant of anticipatory bail in FIR No.1392/2015 u/s 308/325/323/34 IPC registered with Police Station Govind Puri.

2. FIR in the instant case was registered on the basis of a complaint made by Smt. Bala Devi wherein she alleged that the petitioner and her son Monty came to her shop on 26th October, 2015 and asked her to vacate the shop. On her refusal, the petitioner and her son attacked the complainant, her brother in law (devar)- Lokpal and son Vishal, as a result of which Bala Devi and Lokpal sustained grievous injuries.

3. Counsel for the petitioner submits that the allegations made in the FIR are false. In fact when the petitioner was standing at her shop, suddenly Lokpal and Bala Devi started giving filthy abuses and quarrelled with her. Son of the petitioner Monty came and requested them not to quarrel with his mother, then Vishal, S/o Bala Devi also reached there and they pushed the petitioner and gave severe beatings. FIR was lodged against the complainant. However, no action has been taken by the police against them. The shop does not belong to the petitioner. Injured was discharged from the hospital. Son of the petitioner has

already been enlarged on bail. The petitioner has joined investigation, as such, she be released on bail.

4. Application is vehemently opposed by the learned APP for State on the ground that in the quarrel, Bala Devi and Lokpal sustained grievous injuries. Petitioner cannot claim parity with co-accused Monty who has been granted bail as he was released on regular bail.

5. Keeping in view the seriousness of the allegations, resulting in grievous injuries to two persons, I do not deem it proper to release the petitioner on anticipatory bail. She cannot claim parity with co-accused Monty who was granted regular bail.

6. The application is accordingly dismissed.

SUNITA GUPTA, J

APRIL 05, 2016/*rs*