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

+ **BAIL APPLN. 503/2016**

ANUJ

..... Petitioner

Through: Mr.Sushant Mukund, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **01.04.2016**

1. This is an application moved by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 91/2016 under Sections 353/186/332/34 IPC PS Kalyan Puri, Delhi.

2. Heard. Status report has been filed by the State.

3. The facts of the case as mentioned in status report are as under:

“Most respectfully, it is submitted that the above noted case was registered on the statement of Ct. Naveen No.2743/E who stated that on 18-02-16, he along with HC Yatender No.1121/E was deputed on ERV Duty on Police Van No.DL-1CM-4329 from 8pm to 8am. At about 11:30pm, during patrolling in the area, he reached at 14/160, Kalyanpuri, Delhi where 3-4 persons were standing near a locked General store shop. Ct. Naveen asked them to go their homes but they started retaliating and collected several persons by shouting and they all started abusive language against the both police-officials. When both police officials want to apprehend them, both were surrounded by several persons and they were assaulted by them. Accused persons torn uniform of Ct. Caveen and attacked with fist on his nose, due to which blood started oozing from his nose. HC Yatender called at 100 Number PCR. PCR reached at the spot. One of the offender namely Sumit Kumar s/o Vijay Kumar R/o 14/128, Kalyanpuri, Delhi was apprehended at the spot while others fled away. Ct. Naveen and HC Yatender got injured in this incident. Both were admitted in LBS Hospital on MLC No.2251/16 and 2252/16.

The MLC result on both MLCs is simple. IO/ASI Shiv Murti reached at LBS Hospital and accused Sumit Kumar was arrested. Accused Sumit Kumar disclosed in his disclosure statement that his brother Anuj and his mother Shakuntala were also involved in the above incident”.

4. It is submitted by learned APP for the State that the co-accused Sumit Kumar was arrested on the spot and released on regular bail. The present petitioner has also joined the investigation.

5. Since the petitioner was not named in the FIR, to show involvement of the petitioner in the alleged occurrence, the State has placed on record the statement of HC Yatender Kumar recorded under Section 161 Cr.P.C. who was on patrolling duty with Ct. Navin at the time of occurrence. In the statement it has been recorded that during interrogation accused Sumit disclosed that on hearing the noise he had come out and his mother Shakuntala and brother Anuj were also present and all of them were involved in the occurrence. Taking into consideration that the petitioner has joined the investigation. His name has been disclosed by his brother but the injury on the nose of Ct. Navin is not attributed to the present petitioner.

6. It is directed that in the event of arrest, the petitioner will be released on Bail on his furnishing personal bond in the sum of ₹20,000/- with one surety of the like amount subject to the satisfaction of the IO/SHO concerned. However, the petitioner is directed to join the investigation as and when required by the IO/SHO concerned and cooperate in the investigation.

7. Order *dasti*.

APRIL 01, 2016

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PRATIBHA RANI, J.

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