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IN THE HIGH COURT OF DELHI AT NEW DELHI

DECIDED ON : MAY 13, 2016

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BAIL APPLN. 553/2016

SUNIL GUPTA

..... Petitioner

Through : Mr.Mayank Sharma, Advocate.

versus

STATE

..... Respondent

Through : Mr.Amit Gupta, APP.
Mr.Prashant Tanwar, Advocate, for
the complainant.

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BAIL APPLN. 661/2016

MANOJ KUMAR GUPTA

..... Petitioner

Through : Mr.Mayank Sharma, Advocate.

versus

THE STATE

..... Respondent

Through : Mr.Amit Gupta, APP.
Mr.Prashant Tanwar, Advocate, for
the complainant.

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BAIL APPLN. 988/2016

MOHD TOKIR

..... Petitioner

Through : Dr.Chaudhary Shamsuddin Khan,
Advocate.

versus

THE STATE

..... Respondent

Through : Mr.Amit Gupta, APP.
Mr.Prashant Tanwar, Advocate, for
the complainant.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (ORAL)

1. The petitioners seek anticipatory bail in case FIR No.65/16 under Section 308/354B/323/34 IPC registered at Police Station Bindapur. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Learned counsel for the petitioners-Manoj Kumar Gupta and Sunil Gupta urged that they have been falsely implicated in this case. FIR No.73/2016 has already been lodged against the complainant party for inflicting injuries to the petitioners and their family members. The complainant party has been granted anticipatory bail in the said FIR No.73/2016. They were the aggressors. The complainant along with nine associates had arrived at their house and they all were armed with 'dandas'. They all inflicted injuries and also outraged the modesty of 'X' (assumed name). It is further urged that the FIR in question has been lodged in

connivance with the police though intimation about the occurrence to the PCR was conveyed by the petitioners at first instance.

3. Learned counsel for the petitioner- Mohd.Tokir urged that no role has been assigned to him. The petitioner was not armed with any weapon. His mere presence along with co-accused is not enough to decline anticipatory bail.

4. The bail is opposed by the respondents. It is urged that the petitioners in furtherance of common intention inflicted injuries to the victims when they demanded their 'Adhar Card' being misused by the petitioners.

5. I have gone through police files of both the FIRs. FIR 65/16 was lodged on Kiran's statement on 22.01.2016 at about 9.20 a.m. The incident occurred on 21.01.2016 at around 7.00 p.m. Record reveals that the victim Kiran and other injured persons were taken to Deen Dayal Upadhyay Hospital at around 8.00/9.00 p.m. and they were medically examined there. Nature of injuries suffered by Kiran and Sandeep have been opined 'grievous' in nature. The petitioners did not explain as to how and in what manner Kiran and Sandeep sustained injuries on their bodies. Specific role was assigned by the complainant to the petitioners in inflicting injuries by 'dandas', and fists/kick blows. It is not in dispute that the quarrel had taken place when the complainant and her family members had demanded the 'Adhar Card' of her mother-in-law from the petitioners which was allegedly being misused by them.

6. FIR No.73/16 was lodged by 'X' on 23.01.2016 after lodging of FIR No.65/16 on 22.01.2016. 'X' implicated ten individuals to have inflicted injuries to her and her family members. The FIR was lodged only under

Section 323/354/34 IPC. Subsequently, Section 452/325 IPC was added as Sunil Gupta was found to have suffered fracture in hand.

7. The Trial Court had declined to grant anticipatory bail to the petitioners vide order dated 2.2.2016. The petitioners remained absconding and did not join the investigation. They subsequently filed another anticipatory bail application which resulted in dismissal on 05.03.2016.

8. Considering the gravity of the offence, I find no sufficient ground to grant anticipatory bail to the petitioners. Their bail applications are dismissed.

9. Observations in the order shall have no impact on the merits of the case.

(S.P.GARG)
JUDGE

MAY 13, 2016
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