

\$~38

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

+ BAIL APPLN. 1165/2016

VIRENDER KUMAR

..... Petitioner

Through: Mr.Piyush Prabhakar and
Mr.S.N.Thakur, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.M.P.Singh, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

31.05.2016

The present bail application has been filed under Section 439 Cr.P.C. for release of the petitioner/applicant on bail in FIR No.1462/2015 registered under Sections 326/323/342/506/34 IPC at Police Station: Aman Vihar.

The petitioner/applicant is stated to be in custody since 12.01.2016.

The allegations levelled in the FIR in question are that on 21.11.2015 at around 10.30 AM, a call was received on the phone of the elder brother of the complainant from their sister that she had been

beaten up by her husband and father-in-law who had confined her in a room. The complainant along with his brother reached their sister's home where PCR had already arrived. The father-in-law of their sister opened the door and their sister came out. The petitioner also came out. The sister of the complainant then sought the custody of the child. In reply thereto, both the petitioner and his father threatened her with dire consequences and went inside the house and later the petitioner came out with a screw driver and the father of the petitioner came out with a knife. The petitioner attacked the brother of the complainant while the father of the petitioner attacked the complainant and both of them sustained injuries.

Vide order dated 07.05.2016, the learned ASJ dismissed the bail application of the petitioner. Before the learned ASJ, the counsel for the petitioner contended that none of the injuries specified in the MLC fall within the parameters of grievous hurt and prayed that the petitioner be released on bail.

The learned APP opposing the same stated that the injuries caused to the complainant and his brother were serious in nature and the bail application was dismissed by the learned ASJ on the ground

that the nature of offence was grave.

I have heard the learned counsel for the petitioner and gone through the record.

It has been submitted by the learned counsel for the petitioner that the co-accused i.e. the father of the petitioner, has already been enlarged on bail, the complainant has already received the entire medical expenses and the petitioner has no criminal antecedents.

In the given facts and circumstances of the case, the petitioner is also enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Trial Court. However, the petitioner is directed not to leave the country without prior permission of the Court concerned and shall not tamper with the evidence and influence the prosecution witnesses.

Needless to say that any observations made above shall not have any bearing on the merits of the case.

The present application is accordingly allowed.

Dasti.

P.S.TEJI, J

MAY 31, 2016/dm