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

+ **BAIL APPLN. 1477/2016**

SANJU

..... Petitioner

Through: Mr. Vikas Nagwan, Advocate

versus

STATE

..... Respondent

Through: Mr. Rajat Katyal, APP

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
25.07.2016

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The applicant has preferred the present bail application under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 485/16, registered under Sections 147/148/149/324/307 IPC read with Section 34 IPC in police station Samaypur Badli.

A perusal of the FIR shows that the applicant spearheaded the assault on the victims. In the FIR, the complainant has stated while he and Akshay Mishra were eating burger at Jeetu Chaat Bhandar, the applicant and Amit @ Chela came in a Swift Dezire Car. There were four other persons in the car and two other persons in Orange Colour Motor Cycle who were accompanying the applicant. They stopped the vehicle near the victims. The applicant called the complainant and questioned as to why the

complainant had slapped Nisha. The applicant intimidated the complainant. On this, the complainant called Akshay Mishra and informed him that the applicant and Amit were intimidating him. The FIR also disclosed that the applicant threatened Akshay Mishra with dire consequences. After sometime, the applicant and Amit @ Chela got off their vehicles and started beating the complainant and Akshay Mishra. While Amit was having a sword, the applicant was having a *panch*. The complaint states that the applicant inflicted the complainant with the *panch* on his head and Amit hit him and Akshay Mishra with the sword. Other persons were also having knives and swords with them. The complainant suffered injury on his head, left hand, right foot and chest and Akshay Mishra suffered injury on his hip and waist through the knife.

The police has recorded the statement of the owner of Jeetu Chaat Bhandar who has also corroborated the allegations made in the FIR. The owner of the Chaat Bhandar is an independent witness and the investigation is in progress.

Learned APP has pointed out that the MLC of the injured also discloses multiple injuries suffered by them.

The submission of learned counsel for the applicant is that the applicant has falsely been implicated and he was not even present at the place of occurrence. He has been implicated merely because of the car being involved which belongs to the applicant's father. He submits that the said car has already been seized. He submits that the applicant is willing to join the investigation.

In the present case, NBWs had already been issued. The applicant has not yet surrendered even before the Court. The allegations against the

applicant are grave and he seems to have led the charge and inflicted injuries on the complainant.

In these circumstances, I am not inclined to grant any relief to the applicant and the present application is dismissed.

VIPIN SANGHI, J

JULY 25, 2016
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