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

+ **BAIL APPLN. 1789/2016**

AJIT & ANR

..... Petitioner

Through: Mr. R.K.Gupta, Advocate

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through: Mr. Rajat Katyal, APP

Ms. Divya Attri, Advocate

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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04.10.2016

Crl.M.A. No. 13581/2016

Exemption allowed, subject to just exceptions.

Bail Application No. 1789/2016

Issue notice. Mr. Katyal, APP, accepts notice on behalf of the State. The complainant is also present with his counsel who has assisted Mr. Katyal, APP.

The petitioner has preferred the present bail application under Section 438 Cr.P.C. to seek anticipatory bail in case FIR No. 426/15 under Sections 323/324/341/427/452/308/34 IPC registered at police Station Rajouri Garden against the accused persons, including the two petitioners. The allegation against the accused persons is that the complainant Prahlad Kumar was attacked in his shop by the accused where he is running a shop of fans and coolers. On that day, at about 11.00 a.m., one lady Kiran along

with his three sons, namely, Amit, Ajit and Gulshan, which includes the two petitioners, came with two other boys to the shop and inquired about his son Dheeraj. The complainant informed that he had gone to his house. The lady Kiran complained that Dheeraj was responsible for her suffering a loss of Rs. 2 lacs. She demanded the said amount from the complainant and threatened that he shall be involved in a rape case. She disclosed that Dheeraj was responsible for getting her vehicle of liquor caught. The complainant ran inside the shop, however, Kiran and her sons, namely, Amit, Ajit and Gulshan assaulted the complainant with knives, iron rods etc. An alarm was raised by the neighbouring shop-keepers and the accused fled while issuing threats to the complainant.

The son of the complainant also stated that Amit, Ajit, Gulshan and two other boys tried to enter his house but he did not open the door and they have damaged the vehicles parked there.

Mr. Katyal submits that CCTV footage have been obtained which shows that the accused entered the shop of the complainant and were seen leaving the shop together. The injuries inflicted on the complainant, however, were found to be simple. Mr. Katyal points out that the two accused Gulshan and Kiran were taken into custody and they have been granted regular bail, however, the petitioners have been evading the arrest and have not joined the investigation for well over a year. The proceedings under Section 82 Cr.P.C. have already been initiated against them and executed, yet they have not surrendered.

In view of the above, the petitioners do not deserve any relief in the present proceedings since they have not joined the investigation. The weapons of offence have not been recovered yet and in these circumstances,

I am not inclined to grant any relief to the petitioners.

The bail application is dismissed.

VIPIN SANGHI, J

OCTOBER 04, 2016

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