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

+ **BAIL APPLN. 1806/2016**

MAHESH CHAND SHUKLA @ RAHUL SHUKLA..... Petitioner

Through Mr.R.P. Luthra & Mr.Prashant Kumar
Umrao, Advs.

versus

STATE

..... Respondent

Through Mr.G.M. Farooqui, APP with SI
Hawa Singh, PS Madhu Vihar.
Mr.Manindra Dubey and Mr.Anupam
Dwivedi, Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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05.09.2016

CrI.M.A. 13730/2016 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 1806/2016

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.371/2016, under Section 308/34 IPC, Police Station Madhu Vihar.

The FIR of the instant case was registered on the basis of statement of Smt.Gauri who stated to the police that she and her sister Mithlesh @ Manisha got married on the same day. Marriage of her sister was solemnized with the devar of the complainant. After few

days of marriage, husband of the complainant and other in-laws started torturing her and her sister. They had been demanding dowry and beat them. On 26.06.2016, sister of the complainant was beaten by her husband. On the next day morning, sister of the complainant informed the incident to her father-in-law who made a call to maternal uncle of the complainant and asked him to come there. At about 8 a.m., her maternal uncles Lakhan Lal, Kahaiya Lal, Balchand, Bhokpal along with aunt Kamlesh, Pushpa and Durga with cousin Rahul came to the matrimonial home of the complainant. When they were standing outside the house, they were attacked by the husband of the complainant along with his friends Kapil, Rahul Shukla and Manish who were carrying rods and sticks. They were also joined by Sumit and Sunil. In the attack the complainant received injuries. Other persons also received injuries in the incident.

During the course of arguments, learned APP for the State has shown the MLC of the injured/complainant which shows that she received injuries in the incident. It has been submitted that though the complainant received injuries, but she was discharged from the hospital on the same day.

As per FIR, though the name of the petitioner is mentioned as one of the assailants but the fact remains that the dispute between the parties was matrimonial in nature in which the complainant party was suddenly attacked by the accused persons. Apparently, nothing incriminating is to be recovered from the petitioner and in the considered view of this Court, no useful purpose would be served to send the petitioner behind the bars.

In the above mentioned facts and circumstances, the concession of anticipatory bail is granted to the petitioner. It is ordered that in the event of arrest of the petitioner, he shall be released on bail on furnishing the personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required. He is directed not to tamper with the evidence and not to influence the prosecution witnesses. He is further directed not to leave the country without prior permission of the Court concerned.

The bail application is allowed accordingly.

Dasti.

P.S.TEJI, J

SEPTEMBER 05, 2016
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