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

+ **BAIL APPLN. 1950/2016**

MANISH @ ARUN

..... Petitioner

Represented by: Mr. R.K. Sonkiya, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with ASI Bhopal Singh,
PS Delhi Cantt.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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23.09.2016

Crl. M.A. No. 14918/2016 (Exemption)

Allowed, subject to all just exceptions.

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1. Issue notice.
2. Learned APP accepts notice on behalf of the State.
3. By the present petition the petitioner seeks anticipatory bail in case FIR No. 246/2016 under Sections 308/323/34 IPC registered at PS Delhi Cantt, Delhi.
4. The above noted FIR was registered on the complaint of one Amit who alleged that on 12th July, 2016 at around 11.30 PM while he was sleeping at his house, he heard noise outside. He went and saw that lot of

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people had gathered in the gali. When he went towards the main gate of Old Nangal he found that Vijay @ Dhoni who was a resident of Sadar Bazar with his friends Akash @ Badshah, Shanty and Manish was standing there and abusing. On seeing Amit, Vijay @ Dhoni started shouting that the complaint was a person of Jeete and he be beaten. On this Vijay @ Dhoni gave a blow by the iron rod and Shanty hit him with a danda. It is further alleged that all the four assaulted him and his other friends. Even as per the other injured Vishal the role attributed to Vijay @ Dhoni is of giving blow by iron rod and as far as Manish is concerned the weapon of offence alleged to be in his hands was a danda.

5. A perusal of the MLC of Vishal notices a question mark on the CLW present on the forearm as whether the same was entry wound from a gunshot however, there is no report thereon. Even in the statements of Vishal and Amit no reference was made that any gunshot was fired.

6. Learned APP informs that the petitioner is not involved in any other case.

7. Considering the facts of the case that the only role attributed to the petitioner in the statements of the two witnesses is of giving danda blows, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the learned Trial Court.

8. Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 23, 2016/‘vn’