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

+ **BAIL APPLN. 2112/2016**

KRISHAN DEV & ORS

..... Petitioner

Represented by: Dr. Adish C. Aggarwala, Sr.
Adv. with Mr. Abhinav Singh,
Mr. Amish Aggarwala, Mr.
Virinder Vashishth, Mr. Vikas
Verma, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI
Amit, PS Burari.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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11.11.2016

By the present petition the three petitioners i.e. Krishan Dev and his two sons Sudhir and Randhir seek anticipatory bail in case FIR No. 462/2016 under Sections 308/34 IPC registered at PS Burari.

Learned counsel for the petitioner submits that when the incident took place calls were made by the petitioners and not the complainant party. Further injuries were received by the petitioners also, however they were not medically examined by the Police and later on they got themselves examined in the private hospital. There was a delay of around 21 hours in lodging of FIR.

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The above-noted FIR was registered on the complaint of Ramesh who alleged that on 17th September, 2016 he was standing outside his house. A pandal for Viswakarma Pooja had been installed in the lane. His wife Sushila was getting some articles towards their house, at around 6.15 PM. When she was passing through the Pandaal, Randhir younger son of Krishan Dev petitioner No.3 herein commented on his wife, if she was blind and could not see that Pooja was going on. In the meantime the complainant reached near his wife and tried to make Randhir understand. However, he got agitated and Krishan Dev, his elder son Sudhir and Randhir started abusing them. Thereafter Krishan Dev and his sons started scuffling due to which the complainant's two sons Himanshu and Karan also came at the spot. In the meantime Krishan Dev lifted one stone from the gali and hit the complainant on the head and right hand, Sudhir lifted a brick and hit on the head of his son Himanshu, and Randhir hit a stone on the head of Karan. During scuffle even his wife Sushila received injuries.

MLCs of all the injured have been placed on record. As per the MLCs the injuries received by Ramesh were grievous in nature which were allegedly inflicted by Krishan Dev, the petitioner No.1. Injuries allegedly inflicted by Sudhir and Randhir to Himanshu and Karan were simple in nature. A perusal of call records show that calls were even made by the complainant to 100 number at the time of incident.

I have also perused the medical documents pertaining to petitioners, however there is no apparent external injury to the petitioners. Considering the facts of the case that the scuffle took place on the spur of the moment and injuries allegedly inflicted by Sudhir and Randhir were simple in nature,

this Court is inclined to grant anticipatory bail to the petitioner No.2 and 3 i.e. Sudhir and Randhir. Consequently, in the event of arrest Sudhir and Randhir be released on bail on their furnishing a personal bond in the sum of ₹25,000/- each with one surety each of the like amount subject to the satisfaction of the Arresting Officer/ SHO concerned further subject to the condition that they will join the investigation as and when directed and will not leave the country without the prior permission of the Court concerned.

In view of the nature of injuries inflicted to Ramesh by petitioner No.1 Krishan Dev, this Court is not inclined to grant him anticipatory bail.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 11, 2016
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