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

+ **BAIL APPLN. 2608/2016**

SANTI

..... Petitioner

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

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Hirein Sharma, APP with
ASI Bhopal Singh, PS Delhi
Cantt.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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19.12.2016

Crl.M.A. 19691/2016

Exemption allowed, subject to all just exceptions.

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1. Notice.
2. Learned APP for the State accepts notice.
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. on the complaint of one Amit who alleged that on 12th July, 2016 at about 11:30 PM when he was sleeping at his house, he heard noise outside. He opened the door, went outside and reached Sita Ram Dwar Old Nangal, where he found one Vijay @ Dhoni standing with his friends Akash @ Badshah, Santi and Manish. After seeing the complainant, Vijay @ Dhoni shouted that he was man of Jite and he be beaten. Vijay @ Dhoni gave blow

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on his head with iron rod and Santi attacked him with danda.

4. As per the MLC of Amit, he received two contused lacerated wounds which were by iron rod of Vijay @ Dhoni besides abrasions on the right arm, below knee and left leg. The injuries caused by the petitioner with danda are opined to be simple in nature. The grievous injuries were caused by Vijay @ Dhoni who has not been arrested, qua whom non-bailable warrants have been issued. As regards other injured Vishal is concerned, he alleged that while he was running from the spot, somebody hit him with Katta with a result he had received injury on his left forearm. The allegation of gunshot injury was not substantiated. Further 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. Vishal has not identified the petitioner as the assailant who caused injury.

5. Though the role of petitioner is graver than that of two other accused i.e. Akash and Manish, who has been granted anticipatory bail but still not at par with Vijay @ Dhoni who is the main accused, who had exhorted and thereafter gave blow by iron rod on Amit. On a query put to learned APP, he submits on instructions from the investigating officer that the petitioner is not involved in any other offence.

6. Considering the role assigned to the petitioner who is not involved in any other offence, this Court deems it fit to grant anticipatory bail to the petitioner. It is thus directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25000/- with one surety of the like amount to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the

investigating as and when directed and will not leave the country without prior permission of the Court concerned.

7. Petition is disposed of.
8. Order dasti.

MUKTA GUPTA, J.

DECEMBER 19, 2016
‘v mittal’