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

+ BAIL APPLN. 253/2017

MOHD ARKAN ANSARI @ BHOLA Petitioner

Through Mr.Pradeep Kumar Kaushik, Dr.Sunil
Kumar, Mr.S.K. Singh and Mr.Rahul
Mishra, Advs.

versus

STATE (GOVT OF NCT OF DELHI) Respondent

Through Mr.Ashish Dutta, APP with Insp.
Prashant and SI Jitender, PS
Welcome.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **09.02.2017**

CrI.M.A. 2359/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 253/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.37/2017, under Sections 323/452/506/308/34 IPC, Police Station Welcome.

The allegations levelled in the instant case are that on 22.01.2017 around 10.30 p.m., some unknown vehicle hit the foam lying outside the shop of Haji Iqbal which fell down. Son of Haji Iqbal, namely, Sadab slapped the driver of the vehicle. Jahid, brother

of the complainant Nazir, intervened and asked Sadab as to why he slapped the driver of the vehicle. Thereafter, on the same day, the petitioner/accused along with seven other accused persons gave beatings to the complainant and his family members with wooden sticks, bats etc. due to which five persons sustained injuries on their person.

Argument advanced by the learned counsel for the accused/petitioner is that the allegations levelled are false and no specific role has been attributed to the petitioner in causing injuries to any of the injured.

On the other hand, learned APP opposed the grant of bail on the ground that total eight accused are involved in the present case. The injured persons have stated that the present accused/petitioner came along with other accused persons and caused injuries on their person. He has further submitted that even the CCTV recording of the incident shows that the present petitioner/accused caused injuries.

After going through the submissions made by both the sides and the material placed on record, none of the injuries caused to the injured/victims has been attributed to the petitioner/accused. The only allegation against him is that on the day of incident he along with other co-accused persons caused injuries to the victims. It is also apparent from the record that there is no allegation of section 452 IPC against the accused. Even otherwise, the injuries sustained by the injured on their head were found to be simple in nature.

In view of the above mentioned facts and circumstances, the application is allowed. It is hereby ordered that in the event of arrest

of the accused/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 accused/petitioner is directed to join the investigation as and when required; not to tamper with the evidence; not to influence the prosecution witnesses; and shall not leave the country without prior permission of the court concerned.

Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

Bail application is accordingly disposed of.

P.S.TEJI, J

FEBRUARY 09, 2017
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