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

+ **BAIL APPLN. 438/2017**

NITIN VERMA

..... Petitioner

Represented by: **Mr. Anil K. Basoya and Mr.
Rohit Gupta, Advocates.**

versus

STATE OF DELHI

..... Respondent

Represented by: **Ms. Aashaa Tiwari, APP for
the State with SI Jai Vir Singh,
PS K.M. Pur.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

02.05.2017

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1. By the present petition the petitioner seeks anticipatory bail in case FIR No. 16/2017 under Sections 323/354/308/34 IPC registered at PS Kotla Mubarakpur.

2. Learned counsel for the petitioner submits that though the case of the prosecution is that Ankit @ Amit gave injuries by the rod on the head of the complainant and the petitioner inflicted injuries on the hand by sharp weapon however, all the six injuries on the complainant are by blunt object and have been opined to be simple. There is no injury by any sharp weapon. Further even as per the case of the prosecution the injury on the head was given by Amit @ Ankit who has already been granted anticipatory bail and thus the petitioner is also entitled to the same. He further states that with regard to the dispute on the property, complaint by uncle of the petitioner

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had already been given on 11th January, 2017. Further for the same incident cross-FIR was also registered on the complaint of Jai Kumar, uncle of the petitioner because Ankit @ Amit received injuries in the incident which is not explained in the present FIR.

3. The above noted FIR was registered on the complaint of Jatin who stated that on 15th January, 2017 Nitin and Amit came to his house and started quarrelling over installation of a tin shed over the disputed land part. Jatin in the FIR further alleged that Amit attacked him with iron rod on the head and Nitin attacked him with a sharp weapon due to which he received injuries. It is also alleged that when the sister and aunt of the complainant intervened they were also assaulted.

4. As per the MLC of Jatin, he received six injuries and all were lacerated wounds, three on the scalp region, two on the thumb and one on the palmer tip of the left finger. None of the injuries has been opined to be by sharp edged weapon. In any case Ankit who allegedly inflicted injuries on the scalp region has already been granted anticipatory bail by the learned Additional Sessions Judge.

5. In view of the facts noted above and the MLC of the injured Jatin, this Court deems 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 the petitioner will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned and in

case of any change of address the same will be intimated to the court concerned by way of affidavit.

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

MUKTA GUPTA, J.

MAY 02, 2017
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