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

+ BAIL APPLN. 679/2017

HARIOM GAUTAM

..... Petitioner

Through Mr.Dhananjay Mehlawat, Adv.

versus

STATE

..... Respondent

Through Mr.M.S. Oberoi, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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19.04.2017

CrI.M.A. 6275/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 679/2017

Arguments heard.

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.99/2017, under Sections 323/341/356/379/34 IPC, Police Station Prashant Vihar.

The allegations levelled in the present case as per FIR are that on 24.02.2017 at about 7.00 p.m., the complainant-Arun Nain returned home from his duty to find that a Scooty was parked at the spot where he used to park his car. The complainant got down to move the Scooty from the spot when around 5-6 children from another car parked their car next to the complainant's vehicle. Thereafter, the complainant requested the children to move their car

so that he could park his car but they declined. In the meantime, Inder Gautam, Hariom Gautam and their brother and son who stay in the same building came outside and started abusing the complainant. On hearing the commotion, mother and wife of the complainant also came out and the said accused persons started beating and abusing his mother and wife. The accused persons also beat the complainant and broke the gold chain he was wearing.

It is apparent from the record that a quarrel had taken place between the complainant side and accused persons on the issue of car parking in which simple hurt was caused to the complainant side. Perusal of allegations contained in the FIR shows that there are no specific allegation against any of the accused including the petitioner-herein. As per FIR, there are only allegations of breaking of gold chain of the complainant and there is no allegation of taking place of any theft of the same or taking away of the same by the petitioner/accused or any other co-accused.

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 petitioner/accused, he 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 petitioner is directed to join the investigation as and when required. He is directed not to tamper with the evidence and influence the prosecution witnesses. He is further directed not to 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.

The application is accordingly disposed of.

P.S.TEJI, J

APRIL 19, 2017
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