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

+ BAIL APPLN. 872/2017

SMT PINKI

..... Petitioner

Through Mr.C.M. Thapliyal, Mr.S.P. Paul and
Ms.Kiran Lata Pal, Advs.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through Mr.Kewal Singh Ahuja, APP with SI
Manoj Singh, PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.05.2017

Crl.M.A. 7812/2017 (Exemption)

Application is allowed subject to just exceptions.

Bail Appln. 872/2017

The present application has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.1623/2016, under Sections 308/506/34 IPC, Police Station Mehrauli.

As per FIR, the allegations are that the petitioner caught hold of the injured from the back side whereas co-accused Rahul caused head injury to the injured with a danda and thereafter accused Pinki, Shivani and Rahul threatened the injured to vacate the premises.

An anticipatory bail application was moved before the Court of Session which came up for hearing on 17.04.2017. The bail application was declined on the ground that the opinion on the MLC

has not been taken. Perusal of FIR shows that the incident is dated 16.10.2016 and the Investigating Officer has submitted that the opinion on the MLC of the injured is yet awaited.

The admitted position is that the petitioner happened to be a lady and no injury or weapon is attributed to her. It has been informed by the Investigating Officer that the co-accused who caused injury, namely, Rahul was arrested on 11.04.2017 and is already behind the bars.

Keeping in view the role attributed to the petitioner who happened to be a lady particularly when the opinion on the nature of injury is nothing to do with the petitioner as the injury is not attributed to her, the present application is allowed. It is hereby ordered that in the event of arrest of the accused /petitioner, she be released on furnishing the personal bond in the sum of Rs.15,000/- with one surety each in the like amount to the satisfaction of the arresting officer. The petitioner is directed to join the investigation as and when required. She is directed not to tamper with the evidence and not to influence the prosecution witnesses. She 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 allowed and disposed of.

P.S.TEJI, J

MAY 11, 2017
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