

\$~3, 4 & 6

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

+ **BAIL APPLN. 859/2017**

DUSHYANT

..... Petitioner

Through

Mr.Manoj Ohri, Sr.Adv. with
Mr.Pawan Sharma, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Mr.Panna Lal Sharma, APP with SI
S.K. Singh, PS Fatehpur Beri.
Mr.S.K. Sharma and Mr.Rahul
Sharma, Advs. for complainant.

+ **BAIL APPLN. 861/2017**

SUMIT KUMAR

..... Petitioner

Through

Mr.Manoj Ohri, Sr.Adv. with
Mr.Pawan Sharma, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through

Mr.Panna Lal Sharma, APP with SI
S.K. Singh, PS Fatehpur Beri.
Mr.S.K. Sharma and Mr.Rahul
Sharma, Advs. for complainant.

+ **BAIL APPLN. 865/2017**

GAURAV CHAUHAN

..... Petitioner

Through

Mr.Manoj Ohri, Sr.Adv. with
Mr.Pawan Sharma, Adv.

versus

STATE (NCT OF DELHI)

Through

..... Respondent

Mr.Panna Lal Sharma, APP with SI
S.K. Singh, PS Fatehpur Beri.

Mr.S.K. Sharma and Mr.Rahul
Sharma, Advs. for complainant.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

%

09.05.2017

CrI.M.A. 7722/2017, 7731/2017 & 7746/23017 (Exemption)

Applications are allowed subject to just exceptions.

Bail Appln. 859/2017, 861/2017 & 865/2017

Arguments heard.

The present applications have been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.175/2017, under Sections 323/452/34 IPC, Police Station Fatehpur Beri.

As per the FIR, the allegations levelled are that the accused persons/petitioners along with co-accused persons entered the premises of the complainant and caused damages. It was further alleged that when the parents and other companions of the complainant reached at the spot, they were given beatings by the accused persons.

The submission made by the counsel for the petitioners is that the co-accused Neeraj was arrested and he was released on bail vide

3

order dated 23.04.2017. During the course of arguments, it was further revealed that no weapon was recovered from the co-accused Neeraj while he was in custody.

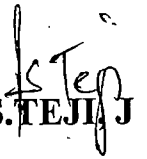
The petitioners/accused persons approached the Court of Session and the Court of Session rejected the bail applications of the petitioners/accused persons on the ground that one of the Sections added in the present case is Section 452 IPC and to recover the danda. It is matter of record that co-accused Neeraj has already been released on bail and no recovery of any weapon of offence has been made from him or at his instance.

In view of the above mentioned facts and circumstances, the bail applications are allowed. It is hereby ordered that in the event of arrest of the accused persons/petitioners, they be released on furnishing the personal bond in the sum of Rs.25,000/- each with one surety each in the like amount to the satisfaction of the arresting officer. The accused persons are directed to join the investigation as and when required. They are directed not to tamper with the evidence and not to influence the prosecution witnesses. They are 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

4
case which shall naturally have to be done by the Trial Court seized
of the trial.

The applications are accordingly allowed and disposed of.


P.S. TEJI J

MAY 09, 2017
dd