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

+ **BAIL APPLN. 1104/2017**

ARVIND @ BUNTY

..... Petitioner

Through: Mr. Ravi Bhushan, Advocate with
Mr. Anil Kumar, Advocate.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. G.M. Farooqui, APP for State with
ASI Liyakat Ali, PS Sangam Vihar, Delhi.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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02.06.2017

Crl.M.A. 9852/2017

Exemption allowed subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 1104/2017

1. Notice. Learned counsel for the State accepts notice.
2. This application has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 for regular bail arising out of the FIR No. 197/2017, under Section 452/323/509/354/34 of IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012, Police Station Sangam Vihar, Delhi.
3. As per the allegations in the FIR, on 28.04.2017 when the complainant Data Ram returned to his home at about 08.45 PM, he saw one Golu riding the small cycle of his son and when he took the cycle from

Golu, he left the house abusing the complainant. Thereafter at about 10.15 PM, the said Golu along with his father, brother Amit and his uncle Bunty (petitioner herein) having *dandas* in their hands, entered his house and started beating him. His two daughters intervened and tried to save him, in the meantime accused Amit caught hold of the breasts of his one of the daughters. Statement of daughter of complainant was recorded under Section 164 Cr.P.C.

4. It is submitted by the learned counsel for the petitioner that this incident is alleged to have been taken place on 28.04.2017 at 22:15 hours. He submits that the son of the complainant Data Ram namely Ajay and his friends had attacked one Ishant Sandhu @ Sunny by blade on his head on 29.04.2017 at about 3:20 PM and FIR No. 196/2017 U/s. 324/341/34 IPC was registered against the son of the complainant and his friends with PS Sangam Vihar on 29.04.2017 at 18:20 hours. He further submits that the present FIR No. 197/2017 has been falsely lodged soon after that FIR No. 196/2017 on 29.04.2017 at 19:30 hours. The victim in the FIR No. 196/2017 Ishant Sandhu @ Sunny is the friend of Amit, the co-accused in the present case. Learned counsel for the petitioner submits that in order to pressurize the accused persons, the present case has been registered by the complainant soon after the registration of the FIR No. 196/2017. He submits that petitioner was arrested on 29.04.2017 and he is in judicial custody since 30.04.2017 and there is no allegation of molestation of the daughter of the complainant against the petitioner.

5. Learned APP for the State has opposed the application. He submits that there are serious allegations against the petitioner and bail should not be granted.

6. In the facts and circumstances of the case coupled with the fact that there is no allegation of molestation against the petitioner and he has been in judicial custody since 30.04.2017, the petitioner Arvind @ Bunty be admitted to bail on his furnishing bail bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the trial court/Duty MM. This is subject to the condition that he shall join investigation and will not tamper with evidence. He shall not leave Delhi without permission of the learned Trial Court.

7. With these directions, application is disposed of.

VINOD GOEL, J.
(VACATION JUDGE)

JUNE 02, 2017

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