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

+ **BAIL APPLN. 2294/2016**

SHADAB KHAN

..... Petitioner

Through: Ms. Nusrat Hossain, Advocate.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP along with
SI Niranjan, PS-Bhajan Pura, for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
24.01.2017

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The petitioner has preferred the present bail application under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.663/2016 under Sections 308/ 452/ 34 IPC registered at PS – Bhajan Pura.

The allegation against the petitioner is that he entered the house of the complainant and assaulted the complainant with a knife. He also caused head injury on the complainant and also caused destruction in the house of the complainant. The other relatives and friends of the petitioner/ accused were also accompanying him at that time.

According to the petitioner, he was in a relationship with the daughter of the complainant, which was not to his liking since the petitioner belongs to a different religion and it is on that account that a false complaint was

made by the complainant. According to the petitioner, he was, at the relevant time when the incident is alleged to have taken place, at Wazirabad. In this regard, the petitioner has placed reliance on the calls received on his mobile phones at the relevant time.

Mr. Mukesh Kumar, on instructions, states that the analysis of the call details of the mobile phones claimed to be in use by the petitioner shows that though the mobile phones are registered in the name of the father of the petitioner and in the name of mother of one of his friends, namely Amna Begum, the analysis of the calls shows that the said mobile phones were in use by the petitioner. The locations of the said mobile phones at the relevant time were at Wazirabad.

In view of the aforesaid, the petition is allowed. In case of his arrest, the petitioner shall be entitled to be released on bail subject to:

- i) his furnishing personal bond with one surety in the sum of Rs.10,000/- to the satisfaction of the arresting officer/ IO;
- ii) he shall join the investigation as and when called for;
- iii) he shall provide his mobile phone number to the IO which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the IO;
- iv) He shall not contact the complainant or any other witness in the case and shall not try to influence any witness or tamper with evidence.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

JANUARY 24, 2017

B.S. Rohella