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

+ **BAIL APPLN. 1323/2017**

SUSHANT SAGAR @ GOLDY

.....Petitioner

Through: Mr. Shahid Azad and Mr. M. Aslam,
Advocates.

versus

STATE

....Respondent

Through: Ms. Aashaa Tiwari, Addl.PP for
State.

CORAM:

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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18.07.2017

1. By the present application filed under Section 438 of Cr. P.C., the applicant is seeking grant of anticipatory bail in FIR No. 162/2017 registered under Sections 308/324/427/34 of the Indian Penal Code at Police Station Prasad Nagar, Delhi.
2. Mr. Shahid Azad, learned counsel for the applicant contended that the applicant has been falsely implicated in this case and that it is merely a case of road rage that happened when the motorcycle of the applicant brushed with the motorcycle of the complainant, which resulted in a scuffle, during which, the applicant also sustained multiple injuries and it was the applicant who made the call to the police by dialing '100'. He added that the applicant is a man of clean antecedents and is further willing to join investigation as and when required.

3. On the converse, Ms. Aashaa Tiwari, learned APP appearing for the State contested the anticipatory bail application of the petitioner and submitted that he has been charged with serious and grave offences and that he played an active role in the commission of the offence, wherein the complainant received grievous injuries on his forehead. She added that all the accused persons are presently absconding. She further contended that custodial interrogation of the applicant is required at this stage and hence, the present anticipatory bail application should not be allowed.

4. I have heard the learned counsel for the parties and perused the material available on record.

5. Order dated 10.07.2017 has also been perused, whereby the anticipatory bail application filed by the applicant was rejected by the Trial Court.

6. On perusal of the record, it is found that the allegations leveled against the applicant are very serious in nature. The multiple injuries sustained by the complainant on his forehead after he was beaten with iron and wooden rods cannot be lost sight of. Furthermore, there is no MLC of the applicant on record to corroborate that he also sustained injuries during the scuffle.

7. Moreover, specific allegations have been made against the applicant by the complainant in the FIR that he caught hold of him and exhorted the other co-accused persons namely Vipin and Ballu by saying "*Tere bhaiyo ko toh theek karke aa gaye hain. Tujhe bhi theek kar dete hain*" while the other co-accused persons started giving him blows on his head with iron and

wooden rods. Therefore, to complete the investigation, custodial interrogation of the applicant would be necessary at this stage.

8. Taking the aforesaid facts and circumstances into consideration, no grounds for granting anticipatory bail to the applicant are made out.

9. The present application is dismissed.

SANGITA DHINGRA SEHGAL, J

JULY 18, 2017

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