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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2300/2017 and CrI.M.A. 18513/2017

HIMALYA

..... Petitioner

Through: Mr.Kuldeep Singh, Advocate

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr.Ashish Dutta, APP for State with
SI Anil Kumar, PS Dwarka South

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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29.11.2017

Arguments have been addressed on behalf of either side.

The applicant seeks grant of anticipatory bail submitting to the effect that he has been falsely implicated in the instant case submitting *inter alia* to the effect that initially an altercation had taken place and after the altercation, a settlement had been arrived at between the parties.

As per the averments in the FIR, it was alleged that the applicant and the co-accused who have not been arrested and not even named in the FIR had assaulted the injured complainant and his brother. The MLC produced by the State indicates simple injuries sustained by the complainant and his brother.

In reply to a specific court query, it was submitted on behalf of the State that there was no weapon utilized.

As per the averments made in the FIR, the applicant was associated with other boys, who were standing outside the gate and those persons standing outside the gate started throwing bricks and stones on the iron gate of the house of the complainant. It has also been stated in the FIR that the boy who went inside the house of the complainant tried to stop the other boys. In reply to a specific court query, it is submitted

by the State that the boy who went inside the house of the complainant is the boy, named, Himalya, i.e., the present applicant who is stated to be 23 years of age with no previous adverse antecedents.

It has been submitted on behalf of the applicant that the applicant is ready to join the investigation.

Learned APP for the State submits that notice was issued to the applicant and the applicant is not co-operating with the Investigating Officer and thus the NBW has been issued.

Taking into account the totality of the circumstances of the case, in the interest of justice and without any observations on the merits or demerits of the case, it is considered appropriate that in the event of arrest, the applicant is allowed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned trial court with the directions that the applicant shall appear before the Investigating Officer on 1.12.2017 at 2 p.m. at Police Station Dwarka South and shall join the investigation then and shall not leave the country without the permission of the Court, shall not tamper with the evidence and shall not intimidate the witnesses in any manner.

The Bail Application No.2300/2017 and the accompanying application Crl.M.A. No.18513/2017 are disposed of.

ANU MALHOTRA, J

NOVEMBER 29, 2017/sv