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

+ **BAIL APPLN. 2399/2017**

KAPIL NARANG

..... Petitioner

Represented by: Mr. R.S. Juneja with Mr.
Yogesh Kr. Rana, Advocates.

versus

STATE OF DELHI

..... Respondent

Represented by: Mr. Hirein Sharma APP
ASI Subhash Chand, PS Geeta
Colony

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **23.11.2017**

CrI.M.A. No. 19354/2017 (Exemption)

Allowed, subject to all just exception.

BAIL APPLN. 2399/2017

1. Notice.
2. Learned APP for the State accepts notice.
3. By this petition, the petitioner seeks anticipatory bail in case FIR No. 502/2017 under Section 452/323/354/427/506/509/34 IPC registered at PS Geeta Colony. The complainant in a statement on the basis of which FIR was registered alleged that her husband and brother-in-law were working at juice shop situated near their house. On 19th October, 2017 at about 11:00 p.m she came to the shop for closing the same and saw 4-5 boys abusing her brother-in-law. They were stating that he was the secret informer of the

police and had informed them of their gambling activity. They started giving beating to her brother-in-law and her husband. Thereafter those boys broke articles and threw the chair on the road. As her brother-in-law went to the police station for calling the police, they found her husband alone and 8 to 10 boys attacked him and threw chairs on him. It is also alleged that the boys inappropriately touched her, pulled her, abused her and used illicit words. She was also threatened that her only child would be killed.

4. In the FIR the complainant has named Jatin Jagga (sunny) or Manni Jagga, Mohit and his real brother and Gagan Jagga as the persons who came along with their associates. Name of the petitioner is not mentioned in the FIR. A perusal of the FIR would reveal that no specific allegation has been levelled against any of the accused and same allegation is against all of them that they threw the chairs, inappropriately touched her body, pulled her hair and threatened to kill her child.

5. Statement of the complainant was recorded by the learned Metropolitan Magistrate under Section 164 Cr.P.C. on 24.10.2017 wherein she stated that the petitioner pulled her hair and threatened her that they would kill her son. It is nowhere clarified as to how in four days the complainant came to know the name of petitioner which was not mentioned in the FIR and no specific role attributed.

6. A perusal of the FIR reveals that the role of pulling the hair and abusing was attributed to all the assailants.

7. Considering the nature of allegations and the fact that the petitioner was not named in the FIR, this court deems it fit to grant anticipatory bail to

the petitioner.

8. It is therefore directed that in the event of arrest the petitioner will be released on bail on his furnishing personal bond in this sum of ₹25,000/- with one surety of the like amount subject to the satisfaction of the arresting officer/SHO concern, further subject to the condition that petitioner will join the investigation as and when directed by the investigating officer and will not leave the country without prior permission of this Court.

MUKTA GUPTA, J.

NOVEMBER 23, 2017

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