

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.24599 OF 2017

ORDER:

This petition is filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner-accused for the offences alleged under Sections 341, 323 and 506 r/w 34 IPC and 25 (1) of Arms Act.

2. Heard learned counsel for the petitioner-accused, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-accused would submit that this petitioner is an innocent person and falsely implicated in this case. The marriage of the son of the petitioner-accused is scheduled in near future and he has to make preparations for the marriage and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-accused.

5. The material placed on record reveals that on 05.12.2017 at 3.50 P.M., when the de facto complainant was proceeding by his car and when he reached Gulzaar house, Kalikamatha temple, he horned. Then suddenly, an unknown person got down from Fortuner Black colour car, stopped the car of the de facto complainant and attacked him with hands and abused him as 'Maa-ke-ludde' and also in other filthy language along with other persons and shouted as 'Nikal Talwar and sticks'. The de facto complainant was beaten very badly. The de facto

complainant also found Talwar and sticks in the hands of the assailants. After the incident, the de facto complainant lodged a report with the police concerned on the same day. There are specific overt-acts against the petitioner-accused. The name of the petitioner-accused is mentioned in the F.I.R. The petitioner-accused is Ex-Corporator of Shalibanda. The identity of the assailant cannot be disputed. It cannot be said that the petitioner-accused is an innocent person and falsely implicated in this case. The marriage arrangements of the son of the petitioner-accused cannot be a ground to allow the application.

6. Accordingly, the Criminal Petition is dismissed.

DATED: 04-01-2018
Hsd

DR.SHAMEEM AKTHER, J

