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

+ **BAIL APPLN. 30/2018**

REHAN

..... Petitioner

Through Mr. Praveen Goswami, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through Mr. Ashish Dutta, APP for State with
Insp. Yogesh, SHO Khajuri Khas &
SI PS Khajuri Khas.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **19.04.2018**

Status report is on the record as submitted by the State dated 02.02.2018 submitted under the signatures of the SHO PS Khajuri Khas.

On behalf of the applicant, it has been submitted that there is no specific act attributed against the applicant apart from the alleged danda blow qua which it has not been stated as to whom the danda blow was inflicted upon. It has further been submitted on behalf of the applicant that the danda blow even if inflicted by the applicant to cause only simple hurt and that the applicant had been in custody since the date of his arrest i.e. 18.02.2017.

On behalf of the State, the application has been vehemently opposed submitting to the effect that on the date of incident i.e. 14.02.2017 as per averments made in the FIR itself, at the time when the injured persons, who are four in person i.e. Subrati Khan, Amiruddin, Mohd. Saeed and Abdul Gaffar were being assaulted by the co-accused persons, the applicant along

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with other accused persons Mohd. Rahis and Mohd. Parvez @ Lucky had beaten the injured persons with a danda blow whilst one of the accused inflicted chhuri on the statement of Amiruddin and attacked Mohd. Saeed whilst another co-accused Raheesh had attacked one Subrati Khan.

It has been submitted on behalf of the applicant that the dandas allegedly involved in the commission of offence had not been recovered qua which it has been submitted by the Investigating Officer that one of the danda was recovered.

On behalf of the appellant, it has been submitted that he is in custody since 18.02.2017 and that the charge-sheet has been filed and no useful purpose would be served by further incarceration of the applicant in custody.

Taking the totality of the circumstances of the case into account, without any observations on the merits or demerits of the case and on a perusal of the status report and averments in the FIR that the applicant was involved in the commission of the offence allegedly and stated to have inflicted the danda blow at the time of the incident, there is no ground of grant of bail.

The application is rejected.

ANU MALHOTRA, J

APRIL 19, 2018/MK

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