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

+ BAIL APPLN. 309/2018

ARSHAD ALI

..... Petitioner

Represented by: Mr. Udham Singh, Adv.

versus

STATE(NCT OF DELHI)

..... Respondent

Represented by: Ms. Rajni Gupta, APP for State

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

06.04.2018

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By this petition, the petitioner seeks anticipatory bail in case FIR No.546/2018 under Sections 323/452/506/379/34 IPC, registered at PS Kapashera on the complaint of the Sagir Ahmad. In the complaint, Sagir Ahmad alleged that PCR call was made by the brother of the petitioner on 25.12.2017 at PS Kapashera which was recorded vide DD No.35-A. On reaching House No.1091 near Syndicate Bank, Village Bijwasan it was informed that both the parties have been taken to the hospital, one in PCR van and the other in their own vehicle. On reaching the hospital MLC of Sahina wife of Sagir Ahmad was collected, however, she could not be found at the hospital. Thus, DD No.35A was kept pending. On 30.12.2017, she gave a complaint gave a written complaint wherein he stated that he along with his wife Sahina and two minor children was present at his room on 25.12.2017. At about 7.15 PM someone knocked the door and when his wife opened the door, 6-7 persons forcefully entered in his house. They closed the mouth of his wife Sahina. Later he noticed that his first wife Razwana had come in his house along with his brother and some unknown persons

and they had done some wrongful act with his second wife Sahina. Sagir Ahmad was also bitten. He came out of the house, called the landlord and made PCR call. Sagir Ahmad alleged that golden chain of Smt. Sahina and ₹1,23,000/- had been taken away by his first wife.

Learned APP for State, on instructions, submits that the complainant Sagir Ahmad has not been able to satisfactorily explain from where he had ₹1,23,000/- cash in hand and also both the parties received injuries. The petitioner had also suffered injuries as was admitted in the hospital and had got an NCR registered.

Considering the nature of allegations and that apparently the scuffle took place between the parties when Rizwana along with the petitioner and other people went to the house of her husband Sagir Ahmad, the complainant herein. Admittedly till date, no Talaq has been pronounced between Sagir Ahmad and Rizwana. Thus, this Court finds it to be a fit case to grant anticipatory bail to the petitioner.

It is, therefore, directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

Petition is disposed of.

Order *dasti*.

MUKTA GUPTA, J.

APRIL 06, 2018

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