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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 415/2018

MANOJ

..... Petitioner

Through

Mr. Yogesh Mehra with Mr. Ajay
Bharti, Advs.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through

Mr. Raghuvinder Varma, APP
Mr. Jaspreet Singh, Adv. for
complainant

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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09.04.2018

CRL.M.A.3293/2018 (exemption from filing certified copies of annexures)

Exemption allowed subject to all just exceptions.

Application is disposed of.

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Status report has been submitted by the State. Pursuant to proceedings dated 06.03.2018 on behalf of the applicant has been submitted Supplementary Cause List of the High Court of Court No.35 indicating Item No.28 the Bail Appln. No.382/2018 of the applicant had been listed in relation to FIR No.516/17. In relation thereto the submissions have been made on behalf of the applicant that the previous application had to be withdrawn in view of

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the erroneous mentioning of the FIR whereas in the instant case FIR number is 519/17 PS Punjabi Bagh. In view thereof, in view of the said Cause List submitted, the application is apparently maintainable.

Submissions have been made on behalf of the either side. A further status report has been submitted on behalf of the State that pursuant to the interim protection granted during the course of the present proceedings on the date 15.03.2018, the applicant has further threatened the complainant in pursuing his rights in the matter. On behalf of the applicant it has been submitted that there is a cross FIR also registered and the injuries have been sustained by the applicant on the same date in relation to which it has been submitted on behalf of the State that the injuries sustained by the applicant were simple.

On behalf of the applicant it has been submitted that in relation to injuries sustained by the applicant in FIR No.516/17 PS Punjabi Bagh, the applicant's FIR has been registered prior to the FIR in the instant case. On behalf of the State reliance has been placed on the MLC of the injured Sheela bearing No.20197 of Acharya Shree Bhikshu Government Hospital wherein it has been opined to the effect that the serious injuries have been sustained by the injured/victim with the injuries shown on the frontal region and that the patient was unfit for making statement. On behalf of the applicant it has been submitted that the injuries have been so opined to be dangerous after a month of the accident. It has also been submitted on behalf of the applicant that as per the status report it has been submitted on behalf of the State that in addition to DD No.11PP dated

15.03.2018 the FIR lodged on the complaint of the complainant alleging that the applicant has been threatening the complainant for withdrawal of the case, it has been stated by the Investigating Officer that there was no witness to corroborate the version of the complainant.

Without any observations in relation to the veracity or otherwise of averments in DD No.11PP dated 15.03.2018, taking into account the allegations against the applicants in the FIR itself with the allegations against the applicant being to having inter alia along with other co-accused persons assaulted the injured, despite the submissions on behalf of the applicant that the applicant is a temporary employee of the MCD, there is no ground for grant of anticipatory bail. The application is declined and the interim protections are withdrawn.

ANU MALHOTRA, J

APRIL 09, 2018/ns