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

+ BAIL APPLN. 534/2018

ANIL

..... Petitioner

Through: Mr. Sunil Kumar, Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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30.07.2018

It is the petitioner's case that while delivering packets of bread in the morning of the alleged incident, on a bicycle, he was hit by the offending school bus causing him to fall from the bicycle along with the packets of bread; that he tried to stop the offending vehicle but the bus driver of the same drove away; subsequently an altercation took place at the traffic crossing where he was beaten up mercilessly by people. It is further submitted that the altercation was regarding a school bus but the injury that was caused to the petitioner has been entirely disregarded and in the present case he is actually the victim but is being treated as a criminal. He submits that the FIR is completely silent about the damage caused to the petitioner's goods and the hurt caused to him, by the rash and negligent driving of the DTC bus driver. He was discharged at 8.00 am from the hospital, i.e., 40 minutes after the alleged incident. It is contended that the menacing and negligent role of the bus driver is being scuffled by the prosecution.

Refuting the allegations the learned APP submits that

Chargesheet has been prepared and is pending approval and the petitioner has not been arrested till date.

In the circumstances, it is directed that in the event of arrest of the petitioner in FIR No. 44/2018 under section 427 IPC and section 3 of Prevention of Damage to Public Property Act, 1984 registered at Police Station, Welcome, he be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with a surety in the like amount to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions:

- (i) the petitioner shall continue to participate the investigation as and when he is so intimated by the Investigating Officer;
- (ii) he shall make no attempt, directly or indirectly, to contact the complainant or relatives or close associates;
- (iii) his mobile phone number shall be operational at all times, so that the police could contact him;
- (iv) he shall not make any effort to evade the process of law; and
- (v) in case of change of the phone numbers or address, the petitioner shall inform the police forthwith.

Observation made in this order shall have no bearing on the merits of the case.

The petition is disposed-of in the above terms.

A copy of this order be given *dasti* to the learned counsel appearing on behalf of the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JULY 30, 2018/RW