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

+ BAIL APPLN. 1418/2018
ABHISHEK

..... Petitioner

Through: Mr. Satish Kumar, Mr. Manoj Kumar,
Advocates

versus

STATE (G.N.C.T OF DELHI)

..... Respondent

Through: Ms. Rajni Gupta, Additional Public
Prosecutor for the State with SI
Satender Pooni, Police Station DBG
Road, Delhi.

+ BAIL APPLN. 1419/2018
RAUNAK

..... Petitioner

Through: Mr. Satish Kumar, Mr. Manoj Kumar,
Advocates

versus

STATE (G.N.C.T OF DELHI)

..... Respondent

Through: Ms. Rajni Gupta, Additional Public
Prosecutor for the State with SI
Satender Pooni, Police Station DBG
Road, Delhi.

+ BAIL APPLN. 1420/2018
GAURAV

..... Petitioner

Through: Mr. Satish Kumar, Mr. Manoj Kumar,
Advocates

Signature Not Verified

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

versus

STATE (G.N.C.T OF DELHI)

..... Respondent

Through: Ms. Rajni Gupta, Additional Public
Prosecutor for the State with SI
Satender Pooni, Police Station DBG
Road, Delhi.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

%

18.06.2018

Learned Additional Public Prosecutor for the State seeks to place on record the status report. It is taken on record.

As per the allegations, the victim was given beatings by three persons. In the FIR itself, use of a sharp weapon is alleged. FIR came to be registered for the offences under Sections 324/341/34 IPC. As per the opinion on the MLC, copy whereof is filed alongwith the status report, the nature of one of the injury is opined to be grievous and use of a sharp weapon is also opined. This attracted section 326. Weapon of the offence, of course, would be required to be recovered and for that the custody invited.

Learned counsel for the applicant placing reliance upon judgment reported in AIR 2015 SC 3090, titled as *Bhadresh Bipinbhai Sheth v. State of Gujarat and Another* contended that in a case where the allegations of serious offence of rape came to be

subsequently added in a case originally framed under Section 506(2) IPC, an anticipatory bail was observed to be tenable. Having considered the ratio of the judgment, this court is of the considered opinion that the facts and circumstances of that case have no application to the case in hand. That was a case where the complaint was originally made only for the offence under Section 506(2) IPC and the allegation for the commission of the offence under Section 376 IPC came to be made much later. In the case in hand, not only the weapon of offence is yet to be recovered but perusal of the MLC also shows that the victim was badly beaten, whereby he received multiple injuries. No merit for anticipatory bail.

Dismissed.

Dasti.

JUNE 18, 2018
pkb


A.K. CHAWLA, J
(VACATION JUDGE)