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

\+ BAIL APPLN. 1593/2018

RAHUL ..... Petitioner

Represented by: Mr. Sushil Kumar Pandey, Advocate.

versus

STATE ..... Respondent

Represented by: Ms. Meenakshi Dahiya, APP with SI Rameshwar, PS Fatehpur Beri.
Mr. Nipun Bhardwaj, Advocate for complainant.

\+ BAIL APPLN. 1602/2018

SURAJ ..... Petitioner

Represented by: Mr. Sushil Kumar Pandey, Advocate.

versus

STATE ..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with SI Rameshwar, PS Fatehpur Beri.
Mr. Nipun Bhardwaj, Advocate for complainant.

\+ BAIL APPLN. 1608/2018

BHIM SINGH @ BHIMI ..... Petitioner

Represented by: Mr. Sushil Kumar Pandey, Advocate.

versus

STATE ..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with SI Rameshwar, PS Fatehpur Beri.

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Mr. Nipun Bhardwaj, Advocate
for complainant.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **27.07.2018**

1. By these petitions, the petitioners seek anticipatory bail in case FIR No. 215/2018 under Sections 323/324/452/34 IPC registered at PS Fatehpur Beri on the complaint of Om Prakash.

2. The allegations of Om Prakash in the above noted FIR are that on 12th June, 2018 his son Sachin told him about twenty days ago he had given his mobile handset for repair to Suraj son of Bhimi, which Suraj told him that he had sold his mobile handset. The total cost incurred towards repair of the mobile handset was ₹2800 and he had sold the said mobile phone for ₹3,000 and only ₹200 balance was offered to Sachin by Suraj and it was said whatever Sachin wanted he could do. His son Sachin said that he had the bill of said mobile phone and would lodge complaint against Suraj if he did not give him the money.

3. Om Prakash further alleged that at about 8:30 PM on 12th June, 2018 when he along with his brother Ajit were smoking hukka at their house, thereafter Prakash, s/o Balesar, Bhimi, s/o Balesar and three sons of Bhimi, Rahul, Yogesh, Suraj and Juggi son of Balesar came to their door and started abusing them. It is alleged that Prakash hit the complainant, Om Prakash, with a sword on his neck and Rahul who was having Saria hit the complainant on his left side and thereafter started beating Ajit. In the

meantime, Nitin and Sumit and other women from the family came out whereafter they fled.

4. On the complaint of Suraj, son of Bhimi cross FIR 216/2018 under Sections 323/341/325/506/34 IPC has also been registered.

5. As per the MLC of Om Prakash, he received one incised wound over back of neck left side approx. 3x2 CM and the injury has been opined to be simple sharp. As per the MLC of Ajit he has received assault laceration on the right ankle and bruise multiple on chest. Injury of Ajit has been opined to be grievous in nature. Further MLC of Nitin son of Ajit also been prepared which shows assault laceration on right ankle and injury has been opined to be simple in nature. Sumit the brother of Nitin has received assault abrasion on right anterior thigh. From the side of petitioner's also injuries have been received by Bhimi, Rahul, Suraj and Prakash. Thus from the MLCs it is apparent that both the parties received injuries.

6. As noted above in the complaint by Om Prakash the role of inflicting injury on the neck is attributed to Prakash who is not a petitioner before this Court. Further no role has been attributed to Suraj and Bhimi. Role attributed to Rahul is that he gave lathi blows to the complainant on the left side and to Ajit. Injury of Om Prakash does not reveal any other injury except the injury by the sword on the neck and injury of Ajit is grievous for the reason it is on the ankle.

7. Considering the role attributed to the petitioners and that injuries have been received by both the sides this Court deems it fit to grant anticipatory bail to the petitioners. It is, therefore, directed that in the event of arrest the petitioners be released on bail on their furnishing a personal bond in the sum

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of ₹25,000/- each with one surety bond each of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioners will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the Court concerned and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

8. Petitions are disposed of.

9. Order dasti.

Mukta Gupta

MUKTA GUPTA, J.

JULY 27, 2018
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