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

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Judgment delivered on: 26.11.2018

+ BAIL APPLN. 1946/2018

ATIQUDDIN & ANR.

..... Petitioners

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr.Yogesh Sharma, Adv.

For the Respondent: Ms. Kusum Dhalla, Addl. PP for State
with SI Shailendra Kr. Singh, PS Gokulpuri.
Mr. A.K. Mishra, Mr. Arpit Mishra and Mr. Ankush
Sharma, Adv. for complainant

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

26.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek anticipatory bail in FIR No.321/2018 under Sections 448/511/380/323/34 IPG, Police Station Gokulpuri.
2. As per the allegations in the FIR, the petitioners along with other family members are alleged to have forcefully entered the house of the respondent complainant to evict them. It is alleged that they have stolen several articles from the house.

3. Learned counsel for the petitioners submits that the petitioners have been falsely implicated. He submits that all the family members of the petitioners including the ones who had expired several years ago have been named in the FIR, which shows that the allegations in the FIR are false. He submits that the petitioners purchased the subject property from the complainant, who executed all the title documents in favour of the petitioners but the complainant has now raised a dispute over handing over of the possession of the property.

4. Learned counsel for the petitioner submits that the reading of the FIR shows that the subject dispute is a civil dispute which has been given a colour of criminal complaint.

5. Learned Addl. PP, under instructions, submits that the investigation is complete and the charge-sheet is in the process of being finalized for being filed in Court.

6. Learned counsel for the respondent/complainant submits that there is an apprehension that the petitioners may threaten the complainant.

7. Keeping in view the totality of facts and circumstances and without commenting on the merits of the case, I am of the view that the petitioners have made out a case for grant of anticipatory bail.

8. In the event of arrest, petitioners shall be released on bail on, both the petitioners furnishing a bail bond in the sum of Rs. 15,000/-

each with one surety each of the like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO concerned. Petitioners shall not do anything which may prejudice the trial or the prosecution witnesses. The petitioners shall not contact the complainant or his family members.

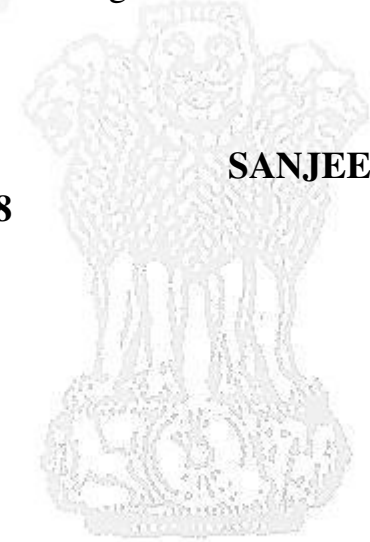
9. Petition is disposed of in the above terms.

10. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 26, 2018

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नस्यमेव जयते