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

+ **BAIL APPLN. 2027/2018**

ASHU @ GAUAV @ HAPPY

..... Petitioner

Represented by: Mr. Sharwan Chauhan and Mr. Amit
Singh Chauhan, Advocates.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
SI Karamvir, PS Narela.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

03.10.2018

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1. By this petition, the petitioner seeks bail in case FIR No. 1/2018 under Sections 308/354/354A/506/380/452/34 IPC registered at PS Narela.
2. Learned counsel for the petitioner submits that the initial allegations against the petitioner and the co-accused are only of inflicting injuries and only later in a statement recorded under Section 164 Cr.P.C. after 23 days the complainant levelled allegations of molestation and hence 354/354A IPC was also added. Further one co-accused has been granted bail and the other granted anticipatory bail. He further stated that despite the date being fixed for her examination before the Trial Court the complainant failed to appear resulting in issuance ofailable warrants against her.

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3. The above noted FIR was registered when a PCR call was received on the night intervening 31st December, 2017 and 1st January, 2018 which was recorded vide DD No. 44A at 4:17 A.M. On reaching the spot it was found that the injured had been admitted to Maharishi Valmiki Hospital and as per the alleged history on the MLC of Vivek it was noted swelling over right Zygomatic region, ear bleeding positive, swelling over right pinna and nature of injury was kept pending. Another friend of Vivek also received injuries i.e. swelling and tenderness over right elbow.

4. Statement of 'D' the friend of Vivek who hosted the party was recorded wherein she stated that on 31st December, 2018 she along with her brother and other friends were at the new year party at Osho Dham Ashram in Ghoga Village, Narela. At about 10:00 P.M. the petitioner who belonged to the same village came inside the Ashram after jumping the wall and threatened them to stop the party and abused her in loud voice. After half an hour the petitioner along with his two brothers returned armed with Danda. Petitioner threw a brick on the complainant but she escaped thereafter he hit her on the left hand with Danda. Listening to the noise, guest collected and the two co-accused hit Danda on the head of her guest Vivek.

5. Considering the nature of allegations and the fact that the petitioner has been in custody now for more than eight months, this Court deems it fit to grant bail to the petitioner. It is, therefore, the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court, further subject to the condition that the petitioner 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.

6. Petition is disposed of.
7. Order dasti.

MUKTA GUPTA, J.

OCTOBER 03, 2018
‘yo’