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

+ **BAIL APPLN. 1733/2017 & CrI.M.B.1579/2017 (Interim Bail)**

**DEVENDER KUMAR CHAUDHARY** ... Petitioner

Represented by: Mr.Madhu Mukul Tripathi,  
Advocate

versus

**STATE** ... Respondent

Represented by: Ms.Meenakshi Chauhan, APP  
for the State with ASI Virendra  
Kumar, PS Zafrabad  
Mr.Gopal Sharma with  
Ms.Tanya Bhatia, Advocates for  
the complainant

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**22.03.2018**

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By this petition, the petitioner seeks anticipatory bail in case FIR No.197/2017 under Sections 308/34 IPC registered at PS Jafrabad wherein Sections 354/354-B/452/392 IPC were added later on.

The above noted FIR was registered on the complaint of the injured who alleged that his wife had a quarrel with her neighbour's daughter over the issue of suicide committed by the daughter of the complainant. In the meantime, brother of the neighbour Kripa Shankar, the petitioner herein, Kripa Shankar's nephew Sanchit, Dipanshu and others came in front of their house and started abusing and pelting stones on him and his brother. During the course of investigation, the brother of the complainant in his statement alleged that Kripa Shankar caught hold of him, Devender hit him on his head with a lathi and

torn the blouse of his Bhabhi and Devender's wife robbed her gold chain.

When this petition came up before this Court learned counsel for the petitioner contended that the petitioner was nowhere in the vicinity of the incident and has been falsely implicated. Thus, this Court directed the State to file a detailed Status Report annexing the site plan and the photos from the CCTV footage which could show whether the petitioner was present or not and has been falsely implicated or not.

As per the detailed Status Report, on 25<sup>th</sup> May, 2017, two incidents of quarrel took place. The first in front of house of Kripa Shankar at 11.00 A.M. for which FIR No.195/2017 under Sections 323/451/354/506/509/34 IPC was registered. With regard to the second incident, the information was received at 2.30 P.M. The CCTV footage disclosed that at 11.30 A.M. when the incident took place, the petitioner was very much present. The second incident took place 20-25 meters away from the place of first incident and no CCTV was installed at that place. But from the CCTV installed at the first place of incident, it could be deciphered that the petitioner had entered the house of the complainant at 1.47 P.M. and was seen coming out at 3.11 P.M., thus indicative of the fact that the petitioner was present at both the incidents.

Considering the nature of allegations and the fact that prima facie from the CCTV footage it is evident that the petitioner was present at the spot, this Court finds no ground to grant anticipatory bail to the petitioner.

Petition is dismissed.

However, the observations made by this Court hereinabove will have no bearing on the merits of the case.

**MARCH 22, 2018**

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*BAIL APPLN. 1733/2017*

**MUKTA GUPTA, J.**

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