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

+ **BAIL APPLN. 2485/2017**

MUSHTAK AHMED

..... Petitioner

Represented by: Ms. Jyoti Gupta, APP for State.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ashok K. Gupta, APP for
State with Inspector Nafe
Singh, ATO PS Seelampur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

04.04.2018

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1. By this petition the petitioner seeks anticipatory bail in case FIR No. 492/2016 under Sections 323/341/34 IPC registered at PS Seelampur, Delhi on the complaint of Mohd. Tahir.

2. On 3rd August, 2016 a PCR call was made by Mohd. Ahmed, the brother of the complainant which was recorded vide DD No. 66B at 11.20 P.M. Statement of Mohd. Tahir could not be recorded as he had left the hospital before arrival of the police as he was also required to be arrested in case FIR No. 380/2016 under Sections 365/325/34 IPC registered at PS Seelampur, Delhi. Later Mohd. Tahir filed a complaint under Section 156 (3) Cr.P.C. and on the directions of the Court the above noted FIR was registered.

3. In the complaint Mohd. Tahir alleged that Shagufta, Faem, Dilshad and Hashim, all sons and daughter of Mushtak Ahmed had assaulted them

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and on 3rd August, 2016 Mushtak caught hold of him and Shagufta attacked on his forehead with a bottle which was lying on the road. Injuries to Mohd. Tahir have been opined to be grievous in nature. In fact on the same day, that is, 3rd August, 2016 at the same time a PCR call was also made by Shagufta which was recorded vide DD No. 63B at 10.55 P.M. wherein on the statement of Mushtak FIR No. 398/2016 under Sections 323/341/34 IPC was registered at PS Seelampur against Mohd. Tahir and his brother Manjoor, Rizwan and his nephew Rihan.

4. Considering the fact that both the parties had attacked each other and the role assigned to the petitioner is only of catching hold, this Court deems it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that the petitioner will join the investigation as and when directed by the Investigating Officer and in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

5. Petition is disposed of.

6. Order dasti.

MUKTA GUPTA, J.

APRIL 04, 2018/‘vn’

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