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

+ BAIL APPLN. 2581/2017, CRL.M.A. 21512/2017

& CRL.M.A. 20737/2017

GOVIND

..... Petitioner

Through Mr. J.P. Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent

Through Mr. Ashish Dutta, APP for State with
SI Dhirendra Singh, PS Bawana.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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08.01.2018

CRL.M.A. 20737/2017

CRL.M.A. 20737/2017 is an application filed on behalf of the petitioner seeking exemption from filing certified copies of the annexures. The same is allowed, subject to just exceptions.

The application is disposed of.

BAIL APPLN. 2581/2017

Submissions have been made on behalf of either side.

Status report has been submitted on behalf of the State.

It has been submitted that the applicant has been falsely implicated in the instant case in as much as he was injured by the police at the time of the registration of the FIR No. 224/2017 PS Kanjhawla under Sections 186/353/34 of the Indian Penal Code, 1860 in which he has already been granted anticipatory bail and pursuant to the injury sustained by the

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applicant he had lodged a complaint against the officials of the Delhi Excise department because of which the police has been pressurising him to withdraw the same and as a consequence thereof the present FIR No. 400/17, PS Bawana, under Sections 186/332/353/307/427/34 of the Indian Penal Code, 1860 has been deliberately lodged against him. A further submission has been made on behalf of the applicant to the effect that the mobile of the complainant and his staff was snatched by the applicant and that in fact the complainant and other staff had used that mobile and that the said averments made in the FIR are erroneous. The numbers of those mobile phones are not mentioned in the application and on behalf of the applicant it has been submitted that the applicant is not aware of the same.

On behalf of the State, it has been submitted that the applicant has been at loggerheads with the Delhi Excise department and he has previous adverse antecedents in the 4 cases already registered against him, two of them being under the Delhi Excise Act and one FIR No. 224/2017 PS Kanjhawla under Section 186/353/34 of the Indian Penal Code, 1860 and another in the present FIR No. 400/17, PS Bawana, under Sections 186/332/353/307/427/34 of the Indian Penal Code, 1860.

It has also been submitted on behalf of the State that the proceedings under Section 82 of the Criminal Procedure Code, 1973 have already been initiated against the applicant qua which it has been submitted on behalf of the applicant that he is ready to join the investigation and that the applicant is on bail in all the other 3 cases.

Taking into account the rival submissions and the aspect of the previous involvement allegedly against the applicant and also taking into

account the factum that the proceedings under Section 82 of the Criminal Procedure Code, 1973 against the applicant have been initiated and the averments in the FIR *inter alia* to the effect that the applicant at the time of his apprehension had allegedly assaulted the police personnel along with the co-accused, there is no ground for grant of anticipatory bail.

The application is dismissed.

ANU MALHOTRA, J

JANUARY 08, 2018/MK