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

+ **BAIL APPLN. 2425/2019**

KAMAL KISHORE Petitioner

Through: Mr. Anuj Soni, Adv.

versus

STATE Respondent

Through: Mr. Hirein Sharma, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **25.09.2019**

CRL. M.A. 36832/2019

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 2425/2019

Vide the present application, the applicant/ accused seeks anticipatory bail in the event of his arrest in FIR No. 605/2019 registered at Police Station – Nihal Vihar for the offences punishable under Sections 308/34 IPC.

Case of the applicant is that the applicant and his sons were badly beaten up by the complainant and his associates on 25.08.2019 at their residence. Subsequently, a PCR call and a complaint were also made to police station but no cross case was registered. Hence, the applicant has filed the criminal complaint before the learned Metropolitan Magistrate, Police

Station - Nihal Vihar for registration of FIR against the complainant and his associates and the same is pending adjudication.

The allegations levelled against the applicant in the FIR are false and incorrect. The victim has been discharged from the hospital and presently is at home. Injuries of the victim are simple in nature. It is submitted that the police officials have registered one sided case only and despite the fact that an MLC of the applicant's son was done, police officials did not register a case against complainant and his associates.

Learned counsel appearing on behalf of the applicant submits that the co-accused Bharat Bhushan and Pramod have already been granted anticipatory bail by the Court of learned Additional Sessions Judge vide order dated 20.09.2019. It is further submitted that the applicant is being harassed and blackmailed by the complainant that the entire family would be roped in a false criminal case, if her unreasonable demand of money was not met.

On the other hand, learned APP for the State has opposed the present bail application by stating that the incidence had taken place on 25.08.2019 and though it is submitted that the victim received injuries, however, there is no MLC of the applicant to establish that he also received injuries.

The learned Sessions Court has observed that the applicant received simple injuries which is not disputed by the learned Public Prosecutor.

Keeping in view the fact that the injuries were received by both the parties and the two co-accused are already on anticipatory bail, on parity, I am of the opinion that the applicant is also entitled to be admitted to bail.

Let the applicant be released on bail on his furnishing personal bond in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

It is made clear that the applicant shall join investigation as and when called by the Investigating Officer and shall not influence any of the witnesses during bail.

Application is disposed of accordingly.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for compliance.

SURESH KUMAR KAIT, J

SEPTEMBER 25, 2019

PB