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

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Judgment delivered on: 21.08.2019

+ BAIL APPLN. 899/2019

BHUSHAN KUMAR

..... Petitioner

versus

STATE (GNCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Deepak Singh, Adv.

For the Respondent: Mr. Hirein Sharma, Addl. PP for the State
with SI Juli
Mr. Avinash, Adv. for complainant

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks Anticipatory bail in FIR No.2/2019 under Sections 354/354A/354B/376/34 IPC, Police Station Gandhi Nagar.
2. Allegations against the petitioner by the prosecutrix are that she is an owner of a particular shop and there is a dispute with the brother of the petitioner – the co-accused. She got information that some person had come to break open the lock of her shop. When she reached the spot, she found the petitioner there along with his brother with tools for breaking the lock and when she objected, it is alleged

that they assaulted her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that there is a dispute with regard to possession of a shop and the possession is of the co-accused and not of the complainant. He submits that when the petitioner was at the shop, the complainant along with her husband and another person came to the spot and started assaulting them, on which he made a PCR call at 10:26 pm. He submits that subsequently, PCR call was made by the prosecutrix at 10:35 pm alleging that someone was attempting to break open the lock of her shop. Later on she changed her version and another call was made to PCR alleging that someone had misbehaved with her.

4. The Investigating Officer has produced the CCTV footage of the incident. The prosecutrix in her complaint has stated that she had come to the spot alone and the petitioner had assaulted her, however, *prima facie* on viewing the CCTV footage, it appears that she was not alone and was accompanied by other individuals and there was an altercation between the persons present there and the prosecutrix was away from the petitioner most of the time.

5. Learned APP for the State, under instructions from the Investigating Officer, submits that the prosecutrix in her statement has not disclosed that she was accompanied by other individuals.

6. On perusal of the record, I am satisfied that the petitioner is entitled for grant of anticipatory bail.

7. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail, on petitioner furnishing a bail bond in the sum of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses.

8. Petition is allowed in the above terms.

9. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 21, 2019

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