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

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Date of Decision: 19.11.2019

+ **BAIL APPLN. 1285/2019**

Shahzad Ali

..... Petitioner

Through: Mr. kalicharan, Advocate.

versus

THE STATE OF DELHI

..... Respondent

Through: Ms. Neelam Sharma,
APP for State alongwith ASI
Upender, P.S. Nand Nagri.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of an anticipatory bail application filed on behalf of the petitioner Shahzad Ali under section 438 Cr.P.C. in FIR No. 0210/2019 u/s. 452/324/308/323/427/34 IPC, P.S. Nand Nagri.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated in the present FIR. It is submitted that on 22.04.2019, when a quarrel had taken place in which real sons of the petitioner

namely Sultan and Saif Ali and nephew Sarfaraz are alleged to be involved but the petitioner was not present at the time of incident. Petitioner is 72 years old man and is suffering from heart problem. It is alleged by the complainant that the offence was committed at the instance of the petitioner while the petitioner was not involved in this incident. It is submitted that since the petitioner is not required for any further investigation and all the injured persons already stand discharged from the hospital and no weapon is to be recovered from the petitioner, he be released on bail in the event of arrest. It is further submitted that petitioner is ready to join the investigation as and when required.

3. The application is opposed by the Ld. APP for the State on the ground that the allegations against the petitioner are serious in nature. He has actively participated in the commission of offence as he alongwith his co-accuseds armed with iron rod, iron chain, knife and bottle of glass had attacked the complainant while he was at the house of his relative. Ld. APP has, therefore prayed for dismissal of the bail application.

4. I have considered the rival submissions. The FIR No. 210/19

u/s 452/324/308/323/527/34 IPC P.S. Nand Nagri was registered on the complaint of one Sh. Babu Khan. He has alleged that accused Salman, Sultan, Sarfaraz, Saif Ali and Shahzad Ali, had come with Iron chain, Iron Rod, Knife, a glass bottle respectively in their hands and forcefully entered into the premises of his relative with the common intention to cause injury. He further alleged that the above said assailants first damaged his car and thereafter they mercilessly beat him, his nephew Asim and Sonu. Injured Asim, Sonu and complainant Babu Khan were admitted in GTB Hospital.

5. It is submitted that petitioner Shahzad Ali is not cooperating in the investigation. As per the recorded statements of injured and eye-witnesses u/s 161 Cr.P.C., petitioner Shahzad Ali, himself had incited his sons to attack the victim. It is submitted that petitioner Shahzad Ali is also found to be involved in the following cases of PS Nand Nagri:-

- 1) FIR No. 126/94 U/S 324/34 IPC
- 2) FIR NO. 275/99 U/S 448/380/34 IPC
- 3) FIR NO. 143/01 U/S 379 IPC & 39/40 Electricity Act
- 4) FIR NO. 309/12 U/S 323/341/34 IPC
- 5) FIR NO. 120/13 U/S 323/326/324/34 IPC
- 6) FIR NO. 141/13 U/S 323/341/376/506/34 IPC.

10. In view of the above facts appearing on record and keeping in mind the nature of offence, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

NOVEMBER 19, 2019

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