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

+ **BAIL APPLN. 1843/2019**

Tinku

..... Petitioner

Through: Mr. Raghav Kapoor,
Advocate

versus

THE STATE OF DELHI

..... Respondent

Through: Ms. Neelam Sharma,
APP for State alongwith
SI Dharamveer Singh,
P.S. Swroop Nagar.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

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01.10.2019

1. Vide this order, I shall dispose of anticipatory bail application filed on behalf of the petitioner Tinku under section 438 Cr.P.C in FIR no. 0085/2019, PS Swaroop Nagar, Delhi u/s. 308/323/34 IPC.

2. Learned counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and falsely implicated in this case. There is delay in registration of the FIR. Two co-accused namely Sumit and Vishal have already been granted bail. Petitioner is ready to join the investigation as and when required.

3. The prosecution version is that on 22.03.2019, the above FIR in question was registered against the present petitioner and co-accused Vishal & Sumit. The petitioner and above-mentioned co-accuseds had assaulted the family members of the complainant. The petitioner Tinku @ Ganja had hit Vijay, brother of complainant on his head. Co-accused Vishal and Sumit were arrested on 22.03.2019. Petitioner was avoiding arrest. PO proceedings were initiated against him, however, interim protection was provided by this court to the petitioner.

4. 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 hit Vijay on his head with iron rod and a case under Section 308/323/34 IPC has been registered against him. He has joined the investigation only after interim protection granted to him by this court. However, he is not cooperating with the Investigating Officer. Iron rod is yet to be recovered. Custodial interrogation of the petitioner is, therefore, required. He has, therefore, prayed for dismissal of the anticipatory bail application.

5. I have considered the rival submissions. There are clear

allegations against the petitioner that he had hit Vijay on his head with iron rod. Proceedings u/s. 82 CrPC were initiated against the petitioner for declaring him P.O. as he was not joining the investigation. Petitioner was granted interim protection and thereafter he has joined the investigation but is not cooperating with Investigating Officer. The iron rod i.e. weapon of offence is yet to be recovered. Custodial interrogation of the petitioner is, therefore, required. In these circumstances, no grounds for anticipatory bail are made out. The anticipatory bail application is, therefore, dismissed.

BRIJESH SETHI, J

OCTOBER 01, 2019

Amit