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

+ **BAIL APPLN. 2068/2019**

PRAMOD KUMAR

..... Petitioner

Through Mr. Sunil Choudhary, Adv.

versus

STATE

..... Respondent

Through Mr. Hirein Sharma, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.11.2019

Vide the present application, the petitioner seeks anticipatory bail in the event of his arrest in case FIR No. 199/2019 registered at police station Swaroop Nagar, Delhi for the offences punishable under sections 323/341/308/34 IPC.

Brief facts of the case are that initially, the aforesaid FIR was registered for the offences punishable under sections 323/341 IPC as the junior doctor had opined the injury on the person of the victim as 'simple. Subsequently, the senior doctor in his observations, opined the injury as 'dangerous' and accordingly, section 308 IPC was added. It is not in dispute that co-accused Anil Kumar has already been enlarged on bail by this Court in Bail Appl. No.2109/2019 vide order dated 26.08.2019.

Learned APP for the State has opposed this application by submitting that the junior doctor had opined the injury as 'simple' whereas the senior doctor gave his observations later on regarding the injury being 'dangerous'.

However, it has not been disputed that the co-accused has already been released on bail, without going into the merits of the prosecution case; I am of the opinion that the applicant is also entitled to bail on the ground of equity. Accordingly, the SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner/ applicant be released on bail on the following terms and conditions:-

(i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) That the petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

Application stands allowed and disposed of.

Order dasti under the signatures of Court Master.

SURESH KUMAR KAIT, J

NOVEMBER 07, 2019

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