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

+ **BAIL APPLN. 2124/2019**

ARTI GUPTA

..... Petitioner

Through: Mr. Mahesh Tiwari, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Mr. Tarang Srivastava, APP for State
with SI Ajeet Kumar, PS – Sangam
Vihar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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26.08.2019

CRL.M.B 1489/2019

Vide the present petition, the petitioner seeks direction thereby releasing the petitioner on bail in the event of his arrest in FIR 261/2019 registered at PS Sangam Vihar, New Delhi under Sections 308/324/323/34 IPC.

Learned counsel for the petitioner submits that the allegations levelled against the present petitioner does not assign any role to him in commission of the alleged offence and as such, no case is made out against the petitioner. The alleged incident happened at 9.50 p.m. on 2.8.2019 and the FIR was registered on 03.08.2019 at 2.20 p.m. therefore there is unexplained delay in the registration of the FIR which itself creates doubt on the prosecution story and further there was sufficient time with the complainant to frame the innocent persons in the present FIR just to take revenge from the innocent

petitioner.

The petitioner is a poor lady and she will abide all the terms and condition which will be imposed by this Court.

On the other hand, learned APP for the State submits that the allegations against the petitioner is that she threw a stone from the terrace upon the complainant. However, no injury has been caused to the complainant.

Keeping in view the facts and circumstances of the case, this Court is of the considered view that the present case is fit for anticipatory bail. Accordingly, I hereby direct that in the event of arrest, the petitioner, Arti Gupta be released on bail on the following terms and conditions:-

(i) That the petitioner shall furnish a personal bond in the sum of ₹10,000/- with one surety of the like amount subject to the satisfaction of Arresting Officer/SHO concerned;

(ii) That the petitioner shall cooperate with the investigation and make herself 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 disposed of.

SURESH KUMAR KAIT, J

AUGUST 26, 2019

PB