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

+ **BAIL APPLN. 3063/2018**

MOHD. SHAHZAIB Petitioner

Through: Mr. A. Maitri, Adv.

versus

STATE & ANR. Respondents

Through: Mr. Amit Chadha, APP for State with
SI Ajay Dalal, P.S. Hauz Qazi.
Mr. K.N. Jha, Adv. for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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20.02.2019

Notice could not be issued to respondent no.2 as process fee was under objections. However, respondent no.2 has appeared in Court along with his counsel.

Facts of the present case are quite peculiar. Complainant (respondent no.2) filed a complaint under Section 200 Cr.P.C. before the learned Metropolitan Magistrate for summoning and prosecuting the accused persons for the offences under Sections 506(II)/427/ 448/403/451/380/34 IPC read with Section 136 of the Indian Electricity Act, 2003. After recording pre-summoning evidence learned Metropolitan Magistrate summoned the petitioner for the offences under Sections 395/452/506 IPC. After the summons were received by the petitioner, instead of filing an

application for anticipatory bail before the learned Sessions Judge petitioner along with his lawyer appeared before the learned Metropolitan Magistrate in the forenoon session but did not appear in the post lunch session. Accordingly, non bailable warrants were issued against him. Petitioner then filed an application for anticipatory bail before the learned Sessions Judge. However, the same was dismissed vide order dated 07.12.2018, in view of the fact that petitioner did not appear before the learned Metropolitan Magistrate in post lunch session though he was present in forenoon.

Respondent no.2 has alleged in the complaint that he was living at First and Second Floor of House No.1018, Katra Sheikh Chand, Lal Kuan, Delhi-110006 as tenant of Late Sh. Abdul Gani. Mohd. Kamil and Rehana (accused persons) were illegal purchasers of the said property and were residing at the ground floor. It is further alleged in the complaint that accused persons, in utter violation of law, broke the staircase of respondent no.2 leading to the first and second floor thereby blocked his entry. They also demolished toilet/bathroom of respondent no.2. It is also alleged in the complaint that accused persons also threatened to kill him.

Keeping in mind the totality of the facts and circumstances of this case, it is ordered that in the event of arrest petitioner be released on bail,

subject to his furnishing a personal bond in the sum of ₹20,000/- with one surety in the like amount to the satisfaction of the trial court.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

FEBRUARY 20, 2019

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