

20.10.2020.
Item No. 27
(Rejected)

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(Via Video Conference)

C.R.M. 7977 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Entally P.S. Case No. 225 of 2020 dated 27.08.2020 under Sections 323/326 of the Indian Penal Code;

And

In the matter of : **Sk. Suraj Khan @ Sk. Suraj.**

... petitioner.

Mr. Shareq Siddiqui.

..For the petitioner.

Mr. Arani Bhattacharya.

...For the State.

The Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and, in fact, there is no grievous injury reported by the Medical Examiner.

The learned advocate for the State opposes the prayer for anticipatory bail. It is submitted that the petitioner used to tease the younger daughter of the mother of the complainant and when the protest was made, the mother received a severe blow, which causes uprooting of teeth with grievous injury on jaws. He relies upon the medical report in this regard.

Considering the submissions advanced by the respective Counsels and on perusal of the medical report as well as the statement of the victim's mother recorded under Section 161 of the Code of Criminal Procedure, we do not feel

that it is a fit case where the petitioner should get privilege of Section 438 of the Code of Criminal Procedure.

Accordingly, the prayer for anticipatory bail of the petitioner is **rejected**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)