

\$~48

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

+ **BAIL APPLN. 41/2020**

HIMANSHU Petitioner

Through Mr.J.S.Arya, Advocate

versus

STATE Respondent

Through Mr.Kewal Singh Ahuja, APP for State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

14.01.2020

The status report has been submitted on behalf of the State. Inter alia it has been submitted on behalf of the Petitioner that the FIR is dated 16.10.2019 in relation to an incident alleged to have taken place on 15.10.2019 and that there is delay in the registration of the FIR qua which it has been submitted on behalf of the State that the medical examination took place on 15.10.2019 itself and that there is no delay in the registration of the FIR. It has been submitted on behalf of the applicant that the other three accused namely, Tinku, Vikrant and Mahesh are already on bail in relation to FIR in question registered under Sections 452/323/506/34 of the Indian Penal Code, 1860 qua which it has been submitted on behalf of the State that the said persons arrayed as accused are on regular bail and not on anticipatory bail.

It has further been submitted on behalf of the State that pursuant to the directions dated 10.01.2020, the applicant has joined

the investigation but did not give the details of Vipin the co-accused who is absconding and thus for the said reason, the custodial interrogation of the applicant is required. Reliance is also sought to be placed on behalf of the State on the interrogation of the applicant that it has conducted when he has joined the investigation where he has categorially stated that he is not aware of the present address of Vipin.

It has been submitted on behalf of the Petitioner that the averments in the FIR itself indicate that the Petitioner has not entered the premises in question and that the ingredients of Section 452 of the IPC would not apply inasmuch as the Petitioner was at the gate and that other persons had not entered the premises. It has been submitted on behalf of the State that the averments in the FIR are to the effect that the Petitioner along with other two persons had dragged the injured from the shop outside.

Taking into account that there are no previous antecedents against the Petitioner and that three of the other accused in the matter Tinku, Vikrant and Mahesh in relation to similar allegations are already on bail, in the circumstances the Petitioner in the event of arrest, is allowed to be released on bail on filing of a bail bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court with directions that he shall not leave the city and shall not tamper with the evidence.

The bail application is disposed of.

ANU MALHOTRA, J

JANUARY 14, 2020/sg