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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN. 259/2020

KUTUBUDDIN

..... Petitioner

Through: Mr. A.K. De, Advocate.

Versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APP for the State
with SI Rajesh Kumar PS Mehrauli.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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04.03.2020

1. This is a petition filed by the petitioner under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail.
2. The brief facts of the case are that on 30.07.2019 a PCR call was received at Police Station Mehrauli regarding quarrel at House No. T-98, Ward No. 8, Mehrauli. During inquiry it was found that injured Mehrajuddin was shifted to Trauma Centre, AIIMS. The statement of wife of the injured was recorded who stated that her husband has four brothers and all of them live together. She further stated that her Kutubuddin, who is brother of the injured, resides at the third floor along with his wife. She further stated that on 27.07.2019, at about 7:00 A.M. her daughter, namely, Saniya called Kutubuddin with the name '*lambu*' for which he gave beatings to her

daughter and extended threats to see her and her husband. On 30.07.2019 at about 7:00 P.M when the complainant was present at her home along with her children and husband, brother of her sister-in-law, namely, Tofeek came to her house and brought her husband to Kutubuddin's room on the second floor. It is alleged by the complainant that she followed them and saw that Kutubuddin was there with his brother-in-law, namely, Mursaid and other relatives, namely, Sallu, Sirajuddin and Bari @ Istak, all of them known to the complainant. It is further alleged by the complainant that Mursaid, Sallu and Sirajuddin caught hold her husband and put him on bed and when he entered the room Kutubuddin and his wife, namely, Miskeena pushed the complainant out of the room and Bari @ Istak locked the door of the room from inside. It is alleged that from outside complainant could hear the sound of beating of her husband and her husband was crying that all the people were throwing him out of the window. It is alleged that complainant rushed towards the gali and she saw her husband lying on the ground. On hearing this, house elder brother-in-law, namely, Najmuddin came there and carried her husband to the hospital in a car.

3. It is submitted by learned counsel for the petitioner that the matter has been settled amicably between the complainant and the petitioner as they are real brothers. It is further submitted by learned counsel for the petitioner that petitioner was granted interim protection by the Session's Court and he has joined investigation.

4. I have perused the status report filed by the State. State has mentioned that the petitioner has joined investigation, but despite that

he has not given satisfactory replies to the queries of the Investigating Officer (IO).

5. During the course of arguments, IO has also stated about the factum of settlement between the parties and he also submits that the complainant is also not cooperating.

6. It seems that since the parties are closely related to each other and they have settled the matter amicably, the complainant may not be cooperating.

7. Be that as it may, petitioner is not required for investigation purpose and since nothing is to be recovered from the petitioner, the application is allowed and it is ordered that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like amount subject to the satisfaction of the IO/SHO concerned, and subject to the following conditions:

(a) The petitioner shall not leave the National Capital Territory of Delhi without due permission from the concerned SHO;

(b) The petitioner shall provide his contact details to the concerned SHO and be reachable at all times and he shall make himself available for interrogation to the IO of the case as and when called by him.

(c) The petitioner shall not try to influence the complainant in any manner.

8. The application is disposed of in the aforesaid terms.

9. Nothing stated hereinabove shall tantamount to the

expression of any opinion on the merits of the case.

Dasti.

RAJNISH BHATNAGAR, J

MARCH 04, 2020/*AK*