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

% **Date of Decision: 07.02.2020**

+ **BAIL APPLN. 373/2020 & CRL M.A. 2899/2020(Exemp.)**

MOHD. YAKUB @ SALMAN Petitioner

Through: **MR. Suraj Parkash Sharma,**
Advocate.

versus

THE STATE OF DELHI Respondent

Through: **Mr. Raghuvinder Verma,**
Ld.APP for the state with
ASI Mohan Lal Delu PS:
Narela Industrial Area

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J (ORAL)

1. Vide this order, I shall dispose of an anticipatory bail application filed under section 438 Cr.P.C. on behalf of the petitioner **Mohd. Yakub @ Salman** in FIR No. 458/2019 u/s. 186/353/324/308/34 IPC, PS N.I.A.

2. Ld. Counsel for the petitioner has prayed for anticipatory bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is not involved in any previous offence.

Name of the petitioner is not mentioned in the FIR. Petitioner is ready to join the investigation. It is, therefore, prayed that petitioner be released on bail in the event of his arrest.

3. Ld. APP for the State has opposed the anticipatory bail petition on the ground that the allegations against the petitioner are serious in nature. He has provoked Nadim and his family members for attacking the police party. Ld. APP, has therefore, prayed for dismissal of the anticipatory bail application.

4. I have considered the rival submissions. As per prosecution version, police party was attacked while they were going to arrest one Manish. After seeing the police, Manish had gone inside the street. He was, however, over-powered and asked to accompany the police official to the police booth. He, however, refused to do so and raised hue and cry and called his mother, brothers and sisters and ran away to one of the house. The police official ASI Ram Narayan Singh had asked Manish to come out of the house. Accused Manish had come out of the house with one screwdriver in his hand. When he was being overpowered by Ct. Vinay Pal, accused Manish had hit him on his head by the screwdriver. With

great difficulty, Manish was overpowered and when he was being taken to police booth, the brother, sister, mother and companion of petitioner started pelting stones and throwing glass bottles upon the police officials. When Manish was being taken to police booth, Nadeem who had a danda in his hand, one fair coloured boy who had a knife in his hand and sister of Nadeem who has stone in her hand had attacked the police party and tried to snatch their weapon. One of the accused had attacked complainant ASI Ram Narayan Singh with knife on the left side of his stomach. The role of the petitioner is that he was a member of unlawful assembly and was also instrumental in provoking Nadeem and his family members who attacked the police party.

5. Keeping in view the above facts and particularly the fact that custodial interrogation of petitioner is required, no grounds for anticipatory bail are made. The anticipatory bail application along with other application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 7, 2020

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