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

+ BAIL APPLN. 1508/2020

MANJU

..... Applicant

Through: Mr. Parveen Yadav, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ashok Kr. Garg, APP for State
with ASI Hari Singh.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.07.2020

Learned counsel for the applicant submits that the co-accused Surender has already been granted bail and another co-accused Ankit has also been granted bail. The factum of the two co-accused in the instant case having been granted bail is not refuted by the State. However, learned APP for the State submits that the said bail has been granted on erroneous facts in as much as the injured was not discharged that day as had been observed vide order granting bail to Surender and that furthermore, the MLC has not yet been received by the Investigating Officer and thus it may not be contended that simple injuries had been caused to the injured. It has been submitted on behalf of the State that the State is moving to challenge the order of the Sessions Court granting bail to Surender and Ankit. A further submission is made on behalf of the State that the present applicant has sought grant of anticipatory bail whereas the other co-accused named Surender and Ankit have been granted regular bail after arrest.

A perusal of the FIR and the status report submitted under signature of SHO, Shastri Park indicates that the allegations levelled against the applicant are to the effect that she had called out the three other accused named Surender, her brother, Gaurav who lives with the applicant and Ankit, her son-in-law outside her jhuggi to teach a lesson to Yamin, the injured and to finish him and when he asked the applicant to give the balance sum for the wine that he had purchased for which he had given her a note of Rs.2000/- and asked her to return the balance for which she had been given Rs.500/- in relation to the purchase of the wine.

It has been submitted on behalf of the State however that the injuries to Yamin were caused by Gaurav by stabbing a knife on his chest and on his back only because the applicant had so exhorted the other co-accused persons and whilst Surender and Ankit had caught Yamin from behind, Gaurav stabbed the knife on Yamin's chest. It has been thus submitted on behalf of the State that if the applicant had not so exhorted the co-accused persons, the incident would not have taken place.

In reply to a specific Court query it has been submitted on behalf of the State that there are no previous adverse antecedents against the applicant.

Taking into account the factum that the only role attributed to the applicant is her exhortation on which an overt act and action had allegedly been taken by the co-accused persons coupled with the factum that there are no previous adverse antecedents against the applicant, the applicant in the event of arrest is allowed to be released on bail on submission a bail bond of Rs.1 lakh with one surety of the like amount to the satisfaction of the learned trial Court with directions that:

- the applicant shall not leave the city of Delhi;
- the applicant shall not make any contact with the complainant and witnesses of the prosecution;
- the applicant shall keep her mobile phone on at all times;
- the applicant shall drop a pin on the Google map to ensure her telephonic and location availability to the Investigating Agency at all times;
- the applicant is directed to make a telephonic call on every 3rd day to the Investigating Officer so that her whereabouts are known to the Investigating Officer;
- she shall mark her telephonic presence on every 3rd day during the period of anticipatory bail;
- the applicant shall commit no offence whatsoever and in the event of there being any FIR or DD entry lodged against the applicant, the State shall bring it to the notice of the Court forthwith and
- the applicant is also directed to join the investigation of the case as and when required.

The application is disposed of.

ANU MALHOTRA, J

JULY 07, 2020

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