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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 2071/2020
GOPAL @ GOPI Petitioner
Through Mr. Sanjay Singh, Adv.

versus

THE STATE (NCT OF DELHI) Respondent
Through Mr. Panna Lal Sharma, APP for State
with SI Devi Lal

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER
% **07.09.2020**

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.517/2020, for the offences punishable under Sections 308/34 IPC, registered at PS Adarsh Nagar.
2. Notice issued.
3. Learned APP for the State accepts notice.
4. With the consent of the counsel for the parties, the present petition has been taken up for final disposal.
5. Case of the petitioner is that on 25.06.2020, the complainant and his friends created a ruckus in front of house of the petitioner. Accordingly, the petitioner made a call on 100 number and the complainant and his friends were arrested vide DD No.23-A, for the offences punishable under Sections 107/151 Cr.P.C. On 06.07.2020, at around 5.00 P.M., an altercation took place between the petitioner, his brother and the complainant i.e. Puneet @ Sameer

and his friends namely Piyush and Jaikishan, in respect of the incident which had taken place on 25.06.2020. As no one was injured in the said incident, no FIR was registered. On the same day, at about 5.30 P.M. the complainant and his friends picked up quarrel with some other persons in which they sustained injuries and accordingly, the present FIR was registered.

6. Learned counsel for the petitioner submits that in order to take revenge, the complainant named the petitioner in the present FIR and clubbed together two incidents.

7. Learned APP for the State, on instructions from the IO, submits that injured Piyush and Puneet remained hospitalised till 15.07.2020 and 22.07.2020, respectively and the nature of injuries, as per MLC, is dangerous and grievous. Moreover, during investigation, it was revealed that the incident took place at two places and out of these two places, involvement of the petitioner herein can be seen clearly at one place in the CCTV footage. For the satisfaction of the Court, the CCTV footage was shown. The petitioner was seen taking the victim by holding his hair and as stated by the learned APP, thereafter, the victim was beaten.

8. Learned APP further submits that due to the said incident, the father of the victim could not tolerate and thereafter, committed suicide.

9. Keeping in view the serious allegations against the petitioner and the fact that he is seen in CCTV footage participating active role, I am not inclined to grant anticipatory bail to the petitioner.

10. Accordingly, the present petition is dismissed.

11. The Trial Court shall not get influenced by the observation made by this Court while passing the order.

12. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 07, 2020/rk