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

+ **BAIL APPLN. 2511/2020**

ROHIT SHUKLA @ CHOTTU

..... Petitioner

Through Mr. Anurag Jain, Adv.

versus

STATE NCT OF DELHI

..... Respondent

Through Mr. Amit Mahajan & Mr. Rajat Nair,
SPPs with Mr. Shantanu Sharma &
Mr. Dhruv Pande, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **04.09.2020**

The hearing has been conducted through video conferencing.

Crl. M.A. 12188/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

Bail Appln.2511/2020

3. Present petition has been filed under section 438/482 Cr.P.C. for grant of anticipatory bail in pursuance to FIR No.95/2020 registered at Police Station Usmanpur for the offences punishable under sections 147/148/149/308/302/34 IPC.
4. Notice issued.
5. With the consent of counsel for the parties, the present petition is taken up for final disposal.
6. Case of the petitioner is that deceased Ifran has been admitted in JPC

hospital in injured condition on 26.02.2020 and on receipt of DD 164A, IO of the case approached to the said hospital but could not find Irfan, however, he was informed by the hospital staff that he has been taken to some other hospital. Thereafter, he died on 27.02.2020. Another DD 167A was received from one Mehtab who informed that there were 8-10 people rioting and breaking the gates of houses and they had also beaten a boy. IO reached the place. However, no witness was found there.

7. Admittedly, complainant and petitioner's family were known to each other and in her statement, she has mentioned Pankaj, real brother of the petitioner, but she did not mention petitioner's name in her statement made before local police dated 28.02.2020 neither before the Crime Branch. However, on 24.03.2020, after around one month, her statement was recorded under section 164 Cr.P.C. and in the said statement, she mentioned the name of petitioner.

8. The aforesaid fact has not been disputed by learned counsel for the respondent, however, stated that in her complaint, the complainant mentioned that there were 8-10 people and she could identify 4 accused who she knew well because they were staying in the same gali for about 33 years.

9. In addition to above, it is admitted fact that she knew 4 accused by names and name of their fathers but in two statements before local police as well as Crime Branch, during interrogation, she did not mention name of the petitioner, however, only disclosed his name in her statement recorded under section 164 Cr.P.C. on 24.03.2020.

10. However, without commenting on the merits of the prosecution case, I am of the view that the petitioner deserves anticipatory bail.

11. Accordingly, the SHO/IO concerned is hereby directed that in the event

of arrest, the petitioner/applicant shall be released on his furnishing a personal bond in the sum Rs.25,000/-.

12. The petitioner shall cooperate with the investigation and make himself available for interrogation by police officer, as and when required.

13. Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the case.

14. The present petition is, accordingly, allowed and disposed of.

15. Copy of this order be transmitted to SHO/IO concerned for necessary compliance.

16. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 04, 2020/ab