



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

Reserved on : 05.12.2023

%

Pronounced on : 22.12.2023

+ **BAIL APPLN. 3758/2023**

INNOCENT DURU @MONDAY Petitioner

Through: Mr. Rajeev Lochan, Adv.

versus

STATE THROUGH SHO

..... Respondent

Through: Mr. Raghuvinder Verma, APP for
State with SI Bharat Singh, Anti
Narcotics Cell, Dwarka

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

RAJNISH BHATNAGAR, J.

1. This is a petition filed by the petitioner under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking anticipatory bail in case FIR No. 374/2023 under Sections 323/342/365/392/34 IPC registered at Police Station Mohan Garden.

2. In brief, the facts of the case as per the prosecution are that on 31.08.2023, the complainant was present in his house along with her brother and a friend, thereafter, in evening around 8 PM one his brothers rang the bell and his another brother opened the door. As soon as the brother of the complainant closed the door,



it is alleged that the present petitioner along with co-accused persons forcefully entered the house and slapped the brother of the complainant and thereafter, they started hitting the complainant and robbed their mobile phones along with an amount of ₹1 lac and took the complainant his brother and his friend to All India Nigerian Students and Community Association where they were kept for about two and a half hour and were beaten by the petitioner and co-accused persons. It is further alleged that on 01.09.2023, the complainant and his friends were again tied with chain and beaten by the present petitioner and the co-accused persons. It is further alleged that the complainant was shifted to some other place where he was kept in a room till 13.09.2023 and during this period the complainant was severely beaten by the present petitioner and the co-accused persons. Thereafter, the present petitioner brought the complainant out of the said room from where the complainant managed to escape and reached the police Station Mohan Garden. As a result, on the basis of the written statement of the complainant, the FIR No. 374/2023 under Section 323/342/365/392/34 IPC was registered at Police Station Mohan Garden and the investigation was taken up.

3. I have heard the learned counsel for the petitioner, leaned APP for the State and have perused the records of the case.



4. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case and there is delay in lodging the present FIR. It is further submitted that no CCTV footage from the house of the complainant was collected. It is further submitted that name of the petitioner has been misused to satisfy personal grudges as the election of ANSCAL students union of Nigeria Community are upcoming and the present complaint is also an upcoming candidate for the elections and thus, he has lodged this present FIR to defame the petitioner. It is further submitted that the petitioner is a resident of Nigeria and presently residing in India alongwith his wife who is Indian and two minor children. It is further submitted that the police officials are under the pressure of some political persons as they have tried to arrest the accused prior to this case.

5. On the other hand, it is submitted by learned APP while vehemently opposing the present bail application that the allegations against the petitioner are grave and serious in nature. It is further submitted by him that there is CCTV footage of the public camera installed in the vicinity in which the petitioner is clearly visible forcefully putting the complainant in cab.

6. In the instant case, the allegations against the petitioner are grave and serious in nature. A bare perusal of the FIR reveals that complainant has been tortured to the maximum possible level and



even ₹1 lac was looted from him. It is pertinent to note here that the complainant, even after receiving such atrocities, has made specific allegations against the petitioner. One cannot lose sight of the fact that the petitioner has been clearly visible in the CCTV footage which in my opinion is the last nail in the coffin.

7. Therefore, keeping in view the entire facts and circumstances and also the fact that there are specific allegations against the petitioner which are grave and serious in nature, the present anticipatory bail application is dismissed.

8. Nothing stated hereinabove shall tantamount to the expression of any opinion on the merits of this case.

RAJNISH BHATNAGAR, J

DECEMBER 22, 2023/ib