

Date of Decision: 10.09.2024

...Respondent

2. Learned Senior counsel appearing on behalf of the petitioner contends that the FIR was initially registered under Sections 323, 324, 506 and 34 of IPC and Section 308 of IPC was added subsequently, without any evidence. Learned Senior counsel further submits that as per the FIR, the petitioner had given a blow with iron rod on the head of the injured. The injured in the present case had suffered three injuries and as per the medical opinion, all three injuries were simple in nature. He further contends that some person, who was present at the spot, had prepared a video clip on the entire incident and as



per the said video clip, the petitioner had not caused any injury to the injured and was simply present at the spot.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had caused an injury on the head with an iron rod with an intention to kill the injured. He however admits that the medical opinion was sought from the doctor and all the injures have been declared to be simple in nature.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, even though the petitioner is alleged to be armed with an iron rod but is attributed an injury on the head of injured-Ramphul, which was declared to be simple in nature. Thus, in the considered opinion of the Court, the custodial interrogation of the petitioner is not required at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

(N.S.SHEKHAWAT)
JUDGE

10.09.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No