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

+ **BAIL APPLN. 137/2024, CRL.M.A. 1091/2024**

ANKIT KHARI

..... Petitioner

Through: Mr.Divesh Chouhan and
Mr.Surendra, Advocates.

versus

STATE GNCT DELHI

..... Respondent

Through: Ms. Meenakshi Dahiya, APP with
Inspector Mahesh Kumar, PS: Keshav
Puram.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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12.01.2024

CRL.M.A. 1090/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

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1. An application under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of anticipatory bail in FIR No. 853/2023 under Sections 307/147/148/149 IPC and Sections 25/27 of Arms Act registered at P.S. : Keshav Puram.
2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.
3. In brief, as per the case of the prosecution, FIR was registered on the statement of Mahadev (injured), who alleged that on 16.11.2023 he received

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a call from his friend Advocate Saurabh Bhangolia that a person namely Ankit Khari (petitioner herein) is bullying their friend Harsh Mudgal and Abhishek Khari over phone. The complainant along with several other persons reached at Kanahiya Nagar Metro Station. Therein, Ankit Khari (petitioner) was present along with his friends namely Ankit Bhist @ Nikki, Pratyasksh Chahar, Viplav Khaari, Nitin and others.

It is further the case of the prosecution that there was an altercation and scuffle between the parties and Ankit Bhist @ Nikki fired at Mahadev (complainant). The complainant / injured was shifted to Pentamed Hospital, wherein the nature of injury was opined as dangerous.

4. Learned counsel for the petitioner submits that four co-accused have already been released on regular bail and petitioner is not required for TIP or any recovery proceedings.

5. On the other hand, learned APP for the State vehemently opposes the application and submits that petitioner has previous involvement in FIR No. 306/2018 under Section 325 IPC registered at P.S.: Keshav Puram, FIR No. 21/2019 under Sections 186/353/ 380/452/506/411/34 IPC registered at P.S.: Timarpur and FIR No. 916/2020 under Sections 356/379/411/34 IPC registered at P.S.: Punjabi Bagh, as reflected in the status report dated 17.12.2023 filed before the District Court. It is further submitted that custodial interrogation of the petitioner is required to unearth the real conspiracy as the petitioner appears to have called the co-accused, who were armed and the assault was in furtherance of common intention.

6. I have given considered thought to the contentions raised.

No doubt, a cross-FIR bearing FIR No. 858/ 2023 under Sections 323/147/148/149 IPC has been also registered at P.S.: Keshav Puram against



the other party, but at the same time, it cannot be ignored that the petitioner also reached the spot with co-accused, who were duly armed with unauthorized weapons and the pistol was used in the incident. Further, the main accused is still absconding and the weapon of offence is yet to be recovered. The custodial interrogation of petitioner, who is having past involvements, is imperative. In view of above, no grounds for anticipatory bail are made out. Application is accordingly dismissed. Pending applications, if any, also stands disposed of. Nothing stated hereinabove shall tantamount to expression of opinion on the merits of the case.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 12, 2024/R