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

+ **BAIL APPLN. 408/2024**

ARUN KUMAR

..... Petitioner

Through: Mr. Amit Alok, Advocate

versus

STATE OF DELHI

..... Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Srishti, P.S. Subhash Place
and SI Soamya Kulhan, P.S. Tigri.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

06.02.2024

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1. The instant application under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of applicant seeking grant of anticipatory bail in case FIR bearing no.11/2024, registered at Police Station Tigri, South Delhi for offence punishable under Sections 308/34 of Indian Penal Code, 1860 ('IPC').

2. Issue notice. Mr. Satish Kumar, learned APP accepts notice on behalf of State.

3. Briefly stated, the facts of the present case are that the complainant had contended in the complaint that on 01.01.2024 at about 6-6.30 PM, when the complainant alongwith his friend Dhruv Sharma had reached blue building school near old police station and the road had got jammed, 2-3 boys had slapped Dhruv Sharma and when he had questioned them, they had



also hit him. It had been further stated that 5-6 more boys had joined them and had hit the complainant and his friend on their head with *iron* weights and lighting *rod* of *rehdiwalas* due to which, they had started bleeding. Dhruv Sharma had become unconscious. It had been stated that the complainant had made call to his family members as well as the family of Dhruv Sharma. After which, family members had come to the spot and had taken them to AIIMS Hospital.

4. Learned counsel for the applicant states that the applicant has been falsely implicated in the present case and he was at his home along with his family members at the time of incident. It is also stated that applicant has not been identified by the complainant. It is also stated that neither CCTV footage has not been collected by the Investigating Officer (IO) nor there is any material on record which can connect the accused with alleged offence. It is further stated that he is not a previous conduct and there are no chances of his absconding from the process of law. Therefore, anticipatory bail be granted to the present accused/applicant.

5. Learned APP for the State, on the other hand, states that the allegations levelled on the applicant are serious in nature. It is stated that the complainant has identified the present accused/applicant and then it was only after the TIP, the applicant has been correctly identified by one of the victims namely Dhruv Sharma. It is also stated that the other two co-accused persons are already in judicial custody. The statement of witnesses is yet to be recorded. The result of MLC is also awaited. He has not joined investigation. Therefore, bail application be rejected.

6. This Court has heard arguments addressed by learned counsel for applicant as well as learned APP for the State and has perused the material



available on record.

7. Considering the overall facts and circumstances of the case and the allegations and the injuries caused to the victims and the fact that custodial interrogation of the present accused/applicant will be required, and the statement of witnesses is yet to be recorded, the result of MLC is also awaited and the applicant has not joined investigation, this Court is not inclined to grant anticipatory bail to the applicant.

8. Accordingly, the present bail application stands dismissed.

9. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

10. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 6, 2024/zp

Click here to check corrigendum, if any