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

+ **BAIL APPLN. 467/2024**

MAZHAR

..... Petitioner

Through: Mr.Anurag Jain, Mr.Sanchit Saini and
Mr.Anil Kumar, Advocates.

versus

STATE(NCT OF DELHI)

..... Respondent

Through: Mr.Ajay Vikram Singh, APP for the
State with ASI Champat Singh, PS
New Usmanpur.
Mr.Piyush Bhardwaj, Mr.Sandeep
Tyagi, Mr.Deepak Kr.Tyagi, Mr.Rajat
Rajoria Singh and Mr.Adesh Kumar
Bhardwaj, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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08.02.2024

CRL.M.A. 4001/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 467/2024

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/applicant for grant of anticipatory bail in FIR No. 4/2024 under Sections 323/341/506/34 IPC & Section 184 of the Motor Vehicles Act, 1988 registered at P.S. New Usmanpur. Section 307 IPC was subsequently invoked.



2. Issue notice. Learned APP for the State appears on advance notice and accepts notice and is also assisted by learned counsel for complainant.
3. In brief, as per the case of the prosecution, on 02.01.2024, an altercation took place since the complainant demanded price of two glasses of tea from the accused. Complainant is alleged to have been further assaulted by the petitioner and one Md. Dilshad. It is alleged that accused tried to crush the complainant and one Gulab under the car, which fleeing from the spot. Accordingly, FIR was registered under Sections 323/341/506/34 IPC & Section 184 of the Motor Vehicles Act. Section 307 IPC was subsequently invoked by the prosecution.
4. Learned counsel for the petitioner submits that the course of events stands recorded in the video clippings which have been also relied upon by the prosecution. It is submitted that the injuries are simple in nature and Section 307 IPC has been wrongly invoked only on the allegations of an attempt to crush the complainant. The injured is stated to have been discharged from the hospital on the very same day. It is pointed out that the petitioner was merely sitting in the passenger seat and the car was driven by Mohd. Dilshad, who is already in custody since 04.01.2024. The petitioner is stated to be with clean past antecedents and is running a restaurant.
5. On the other hand, application has been opposed by the learned APP for the State along with learned counsel for the complainant.
6. Without expressing any opinion on the merits of the case, insofar as the petitioner is concerned, he was admittedly not driving the car and was seated on passenger's seat at the time of leaving the spot. The injuries sustained by the complainant are simple in nature and MLC reflects abrasion wound over right forearm. No recovery is to be effected from the petitioner.



The video clippings also reflect that an attempt was made to damage the car while the accused were leaving the spot, which led to an impulsive reaction by the co-accused who was driving the car.

7. In the facts and circumstances of the case, in the event of arrest, petitioner be admitted to bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount to the satisfaction of IO/SHO, PS concerned and subject to following conditions:

- (i) Petitioner is directed to join the investigation today itself (i.e. 08.02.2024) at 4:00 PM;
- (ii) Petitioner shall not threaten or influence the witnesses in any manner;
- (iii) Petitioner shall not visit the area in the vicinity of 01 km. of the shop of the complainant.

Application is accordingly disposed of.

ANOOP KUMAR MENDIRATTA, J

FEBRUARY 8, 2024/v