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

+ **BAIL APPLN. 989/2024**

MOHD. AMIR

..... Petitioner

Through: Mr.KS. Chaudhary, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Arvind Kr and ASI Kailash Joshi

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **18.03.2024**

CRL.M.A. 8553/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. 989/2024

1. The present application has been filed under Section 438 Cr.PC. read with Section 482 Cr.P.C. seeking anticipatory bail in FIR No.884/2023 registered under Sections 308/323/341/34 IPC at P.S. Sangam Vihar.
2. Learned counsel for the petitioner/applicant submits that the scuffle took place between the complainant and one *Sunita* on account of parking issue. He submits that in the scuffle, the applicant had also received injuries. He further states that the only role assigned to the applicant is of using wooden stick. He submits that the injuries on the complainant have been opined to be simple in nature. Lastly, it is submitted that after filing of the



present application, the applicant has been issued notice under Section 41A Cr.P.C. and that he intends to join the investigation.

3. Learned APP for the State has opposed the bail application. He submits that the applicant is the main assailant who had used wooden stick. The entire scuffle was captured on CCTV, which shows him hitting the complainant with a *danda*. He further, on instructions, submits that though the nature of injuries has been opined to be simple, however, the same is on the head and therefore, Section 308 IPC has been invoked. It is stated that the applicant is not involved in any other case.

4. Keeping in view the aforesaid facts and circumstances including the fact that the nature of injuries has been opined to be simple and that notice under Section 41A Cr.P.C. has been issued, it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-

- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
- (ii) The applicant shall join the investigation as and when asked.
- (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.



(iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.

(v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.

(vi) The applicant shall regularly appear before the trial Court.

5. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MARCH 18, 2024

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