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

+ **BAIL APPLN. 1605/2024**

**SAIRA KHATOON**

..... Petitioner

Through: Mr.Sunil Kapoor, Ms.Richa Kapoor,  
Ms.Isha Kapoor and Mr.Krishan  
Sukhla, Advocates

versus

**STATE GOVT OF NCT OF DELHI**

..... Respondent

Through: Mr.Utkarsh, APP for State with Insp.  
Chote Lal, ATO/SR, P.S. Sarai  
Rohilla.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

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**07.05.2024**

**CRL.M.A. 14001/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**BAIL APPLN. 1605/2024**

1. An application under Section 438 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.238/2024 under Sections 186/353/332/34 IPC registered at P.S. Sarai Rohilla.
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, on 02.04.2024, while constable Manjeet was patrolling in the area one Shamshad was found constructing a 'Thiya' on the public land. When constable Manjeet directed



Shamshad to stop construction, he alongwith his wife Saira (petitioner), Bhoma, Nasso, Danish and three unknown persons assaulted him with kicks and fist blows. In the meantime, other police officials reached the spot, on which the accused fled from the spot.

4. Learned counsel for the petitioner denies any such incident as alleged and submits that constable Manjeet demanded bribe from the husband of the petitioner and also assaulted him when he refused to give bribe. He further submits that a complaint was also lodged with DCP regarding demand of bribe by constable Manjeet.

5. On the other hand, application is vehemently opposed by learned APP for the State and it is submitted that all the accused are absconding and NBWs have already been issued against them. It is also pointed out that opinion as to the nature of injuries sustained by the complainant is yet to be received and custody of petitioner is required to establish identity of three unknown accused.

6. Considering the facts and circumstances of the case since public servant was assaulted during discharge of duties and an active role was played by the petitioner, no grounds for anticipatory bail are made out.

Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

**ANOOP KUMAR MENDIRATTA, J**

**MAY 7, 2024/v**