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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 4348/2023

SHADAB

..... Applicant

Through: Mr.Ujjwal Kumar,
Mr.Dharmendra, Mr.Abhinav
Kumar Srivastav and Mr.Manoj
Kumar Jha, Advs.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms.Priyanka Dalal, APP
Mr.Jitendra Kumar Tiwari,
Adv. for Complainant (through
VC)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

29.01.2024

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1. This application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for grant of anticipatory bail in FIR No. 0664/2023 registered at Police Station: Raj Park, Delhi under Section 308 of the Indian Penal Code, 1860 (in short, 'IPC').

2. It is the case of the prosecution that, on 26.10.2023, an information vide DD No. 75A was received mentioning that the caller's son was beaten by a person and was taken to the Sanjay Gandhi Hospital, Mangolpuri, Delhi. The injured was found to be under treatment and had suffered the following injuries:

“(1) Laceration of 8cm x 1.0 cm x 0.5 cm on Head in Midline

(2) Tenderness on Side Chest 3 Cm Away from Nipple and nature of injury was given “OR”.”



3. Thereafter, the statement of the injured was recorded, in which he stated that, on 26.10.2023 at about 3.15 PM, while he was coming from his office on his bike and had reached P Block, Katran Market Near Katta Mangolpuri, the accused came on his scooty. The accused had quarrelled with the injured previously on 22.10.2023 as well, for which a complaint had been made by the injured with the police at Police Station: Mangolpuri. With the intent to take revenge from the injured, the accused hit the injured with a stick/*danda* while he was riding his bike. Due to the impact, the injured fell down from his bike whereafter the accused hit him several times with the stick/*danda* with the intention of killing him. The accused, thereafter, ran away from the spot, after which the injured called his cousin to take him to the hospital.

4. The learned counsel for the applicant submits that the applicant is being falsely implicated as an accused in the above FIR. He submits that the FIR is, in fact, a result of political rivalry. He further submits that the injured suffered simple injuries and was discharged on the very same day.

5. This Court, vide its Order dated 27.12.2023, had directed that the applicant shall not be arrested, on the condition that he joins the investigation.

6. The Status Report filed by the respondent indicates that the applicant has, thereafter, joined the investigation and has been examined. He has also been bound down under Section 41A of the Cr.P.C. The MLC of the victim has been submitted in MRD Sanjay Gandhi Hospital for ascertaining the nature of the injuries suffered by



the injured.

7. Looking into the nature of the allegations made in the FIR, the medical report of the injured, and the fact that the applicant has joined investigation, the Court is of the considered opinion that the applicant is entitled to grant of anticipatory bail in FIR No. 0664/2023 registered at Police Station: Raj Park, Delhi under Section 308 of the IPC.

8. Consequently, in the event of arrest, the applicant shall be released on bail subject to furnishing a personal bond in the sum of Rs.25,000/- with one local surety of the like amount to the satisfaction of the IO/Arresting Officer/SHO concerned, and further subject to the following conditions:

- (i) that the applicant will join investigation as and when directed, in writing;
- (ii) that the applicant shall not leave NCT of Delhi without intimating the IO/SHO concerned;
- (iii) that the applicant shall not, directly or indirectly, try to contact/influence the complainant/victim or any other witness(s) or tamper with evidence of the case; and,
- (iv) that the applicant shall furnish his mobile phone/landline number and residential address to the IO/SHO concerned and shall keep his mobile/landline phones operational at all times during this period, and in the event of any change of the same, will immediately inform the same to the IO/SHO.



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

NAVIN CHAWLA, J

JANUARY 29, 2024/ns/am

Click here to check corrigendum, if any