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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4707/2024**
NAVAL KISHORPetitioner

Through: Mr. Furkan Ali Mirza, Advocate.

versus

STATE (GNCT OF DELHI) & ANR.Respondents

Through: Ms. Shubhi Gupta, APP for the State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **20.12.2024**

CRL.M.A. 38515/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

BAIL APPLN. 4707/2024

By way of the present petition filed under section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks anticipatory bail in case FIR No. 369/2024 dated 03.11.2024 registered under sections 109(1)/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') at P.S.: Sonia Vihar, Delhi.

2. Mr. Furkan Ali Mirza, learned counsel appearing for the petitioner submits, that the petitioner has been falsely implicated in the matter; and that the CCTV footage of the place of the incident would belie the



petitioner's involvement in the subject FIR as alleged by the complainant/Santosh Mishra.

3. A perusal of the subject FIR shows, that the complainant alleges that the dispute arose by reason of the petitioner alongwith certain other persons playing cards in front of the complainant's house; and when the complainant attempted to stop them from doing so, some of those persons threatened the complainant, and on their exhortation, it was the petitioner who pulled-out a knife and attempted to strike a blow aimed at the complainant's stomach; but since the complainant turned away to defend himself, the petitioner struck a knife-wound on his thigh.
4. Ms. Shubhi Gupta, learned APP who is present on advance copy on behalf of the State, has shown to the court the MLC of the complainant, which confirms that the complainant had suffered a lacerated, incised wound about 3 cm long and 1 cm deep on the left thigh; and that he had to be referred to surgery. Ms. Gupta submits that the final opinion as to the nature of the injury is still awaited.
5. Though learned counsel appearing for the petitioner argues that other co-accused persons have already been granted the benefit of anticipatory bail by the learned Sessions Court, learned APP submits that the role of those co-accused persons was only of having engaged in a verbal fight with the complainant and to have exhorted the petitioner, but it was the petitioner who wielded the knife and is therefore liable for the offence under section 109(1)/3(5) BNS.
6. In the circumstances, this court is not inclined to entertain the present petition seeking anticipatory bail.



7. The petition is accordingly dismissed at the stage of issuance of notice.
8. Pending applications, if any, also stand dispose-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 20, 2024

V.Rawat