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

+ **BAIL APPLN. 224/2025**

ABHIMANYU @ MONU @ MOLAD

.....Petitioner

Through: Mr. Lokesh Baimad, Mr. Karan
Kumar and Ms. Jyoti Baimad,
Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State
with SI Rajesh Kumar Koli, PS Nihal
Vihar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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20.01.2025

CRL.M.A. 1574/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The Bail Application under *Section 482* of the *Bhartiya Nagarik Suraksha Sanhita, 2023* (hereinafter referred to as '*B.N.S.S.*') read with *Section 528* of *B.N.S.S.*, has been filed on behalf of the Petitioner, Anhimanyu @ Monu @ Molad, for grant of Anticipatory Bail in Case FIR No. 1352/2024 under *Sections 331/329(4)/351(3)/3(5)* of *B.N.S.* registered at Police Station Nihal Vihar.
4. It is submitted in the Application that there is a dispute in respect of



the property *inter se* Pawan Kumar and Complainant and others. The Applicant as a friend of Pawan Kumar, co-accused, had gone on 10.12.2024 along with his nephew, Ankit, to drop of Pawan Kumar and his son Deepanshu and daughter, Ms. Kajal, to their home at Nangloi, Delhi-47. On reaching the house, Pawan Kumar went inside with his family members and invited the Applicant and Ankit, for a cup of tea. In the interim, some unknown persons entered their house and started abusing Pawan Kumar and his family members. Subsequently, the Applicant came to know the identity of that person as Vinod Kataria, who was threatening to kill Pawan Kumar and his children if he did not hand over the possession of the house to him.

5. Thereafter, Vinod Kataria called his son and 7-8 goons started beating Pawan Kumar and his brother Subhash. In the interim, Ms. Kajal called the PCR. The Applicant and Mr. Ankit tried to save Pawan Kumar and his brothers from the attackers but could not do much. Mr. Subhash suffered fractured of his left hand from blow of steel rod given by Vinod Kataria.

6. He was taken to Sanjay Gandhi Memorial Hospital, Mangol Puri, Delhi where he underwent surgery. The PCR in the interim arrived and saved Pawan Kumar and his family members from attackers. Thereafter, Pawan Kumar filed various complaints but no action was taken.

7. On 26.12.2024, FIR No1352/2024 under Sections 331/329(4)/351(3)/3(5) of B.N.S.S. was registered at Police Station Nihal Vihar, on the complaint of Vinod Kataria.

8. The Anticipatory Bail Application was filed by the Applicant before the learned ASJ, which is dismissed *vide* Order dated 14.01.2025.

9. The Bail has been sought on the ground that the Applicant has no previous criminal record and has clean antecedents and deep roots in the



society. The false FIR has been registered only to pressurise Pawan Kumar to fulfil the illegal demands of the complainant. It is *mala fide* and emanates from a civil dispute, which has been given a colour of criminal offences. The Applicant himself had suffered injuries. No custodial interrogation or arrest of the Petitioner, is mandated. He undertakes to join the investigations and co-operate with the Investigating Officer. Hence, the Anticipatory Bail has been sought.

10. **Status Report-cum-Reply** was filed on behalf of the State before the learned ASJ wherein it is submitted that the investigations of the case, are in progress. The accused has been intentionally not joined the investigations. The custodial interrogation is required for identification/apprehension of other associates.

11. **Submissions heard and the record perused.**

12. The basic allegation against the Applicant is that he was a participant in the fight, which took place between Vinod Kataria, Mr. Pawan Kumar and others. He himself had suffered injuries.

13. Considering the nature of the allegations and also that no custodial interrogation is essentially required for cogent reasons, it is directed that in the event of his arrest, the Petitioner shall be admitted to Anticipatory Bail by the Investigating Officer/Arresting Officer, subject to the following conditions:

- (i) The Petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/Arresting Officer.
- (ii) The Petitioner shall join the investigations, as and when called by the Investigating Officer.



(iii) The Petitioner shall furnish his cellphone number to the Investigating Officer on which he may be contacted at any time and shall ensure that the number is kept active and switched-on at all times.

(iv) The Petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial.

14. The Petition stands disposed of in the above terms.

NEENA BANSAL KRISHNA, J

JANUARY 20, 2025/RS