

(2017) 09 DEL CK 0179
In the Delhi High Court
Case No : Bail Application No. 1930 Of 2017

Ajay Kumar

APPELLANT

Vs

State Nct Of Delhi

RESPONDENT

Date of Decision : 22-09-2017

Acts Referred:

Constitution Of India, 1950 — Article 21
Indian Penal Code, 1860 — Section 34, 308

Citation : (2017) 09 DEL CK 0179

Hon'ble Judges : Vinod Goel, J

Bench : Single Bench

Advocate : J.P. Singh, Aashaa Tiwari

Final Decision : Dismissed

Judgement

Vinod Goel, J

Crl.M.A. 15971/2017 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 1930/2017

1. Notice. Learned APP for the State, who appears on an advance copy having been served, accepts notice.

2. Apprehending his arrest in a case registered against him vide FIR No. 923/2014 on 26.08.2014 under Section 308/34 of IPC with Police Station

Sultan Puri, Outer District Delhi on the complaint of one Praveen Kumar, the petitioner invokes the jurisdiction of this court under Section 438 of the

Code of Criminal Procedure, 1973 (in short Cr.PC).

3. Learned counsel for the petitioner submits that the petitioner has been falsely

implicated in the said case. He submits that no incriminating articles have been recovered from the possession of the petitioner. He submits that under Article 21 of the Constitution of India, the bail is the fundamental right of the petitioner and jail should be an exception. He further submits that the petitioner would show his innocence during the trial. He submits that the petitioner is neither a proclaimed offender nor he has been convicted at any point of time. He submits that he is ready to obey the directions as well as conditions which this court imposes upon him in the event of granting him anticipatory bail.

4. Per contra, learned APP for State submits that there are serious and grave allegations against the petitioner. She submits that the custodial interrogation of the petitioner is required as the weapon of offence is to be recovered from him. She submits that the investigation is at its initial stage and in case the petitioner is enlarged on anticipatory bail, it will hamper the investigation.

5. As per the allegations, on the date of incident, the petitioner who came along with a co-accused hit the victim with a hockey stick on his head and the co-accused with him had also caused injuries on the head of the victim with a baseball bat. As per the MLC brought to the notice of this court, the victim sustained grievous injuries on the right side of his head.

6. Hence, keeping in view the gravity of the offence, seriousness of the crime allegedly committed by the petitioner and the fact that the investigation is at its initial stage and custodial interrogation of petitioner is required to recover the weapons of offence and if the petitioner is released on anticipatory bail there would be grave danger of his influencing the witnesses or tampering with the evidence, I do not find any justifiable ground to grant anticipatory bail to the petitioner. As such the application is dismissed.