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**(2011) 02 DEL CK 0131**  
**In the Delhi High Court**  
**Case No : Bail Application No. 77 of 2011**

Bijender

APPELLANT

Vs

State

RESPONDENT

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**Date of Decision :** 09-02-2011

**Acts Referred:**

**Citation :** (2011) 02 DEL CK 0131

**Hon'ble Judges :** S.N. Dhingra, J

**Bench :** Single Bench

**Advocate :** R.P. Kasana, for the Appellant; Sunil Sharma, APP, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Shiv Narayan Dhingra, J.—This petition u/s 438 Code of Criminal Procedure has been preferred by the Petitioner for grant of anticipatory bail against whom a case u/s 307/506 read with Section 34 IPC has been registered vide FIR No. 260 of 2010 police station Fatepur Beri. As per prosecution case, the victim in this case was brutally assaulted by Ravi, Davinder, Naresh, Jai and Manish who were armed with swords, iron rods, "panji" and dandas. The Petitioner/accused was exhorting these persons in a loud voice to kill the victim. The victim received injuries all over his body. His both legs were broken and he suffered multiple fractures. He received multiple injuries on other parts of his body also. Initially he was treated at AIIMS Hospital and then was shifted to Max Hospital where he remained admitted for 15 days. The injuries received by the victim included head injuries and compound fractures. The accused in this case is a known criminal and is involved in other similar cases being FIR No. 341 of 1996 police station Mehrauli, FIR No. 138 of 2001 police Vasant Kunj, FIR No. 196 of 2005 police station Mehrauli, FIR No. 650 of 2005 police station Mehrauli, FIR No. 47 of 2010 police station Fatepur Beri. Three of the cases were u/s 307 and 308 of IPC. One u/s 323 and other 323, 452 of IPC etc. In these cases, the Petitioner either get acquitted or compromised. Nonetheless, the cases show the tendencies of the

Petitioner/accused to take law into his own hands frequently and to exhibit his muscle power with the help of his goons /co-accused persons. The plea taken by the Petitioner/ accused counsel is that the Petitioner was not present at the site and has been falsely named. I consider that this plea of alibi cannot be considered at this stage. I find it is not a fit case for grant of anticipatory bail. The bail application is hereby dismissed.