
(2018) 07 DEL CK 0102
In the Delhi High Court
Case No : Bail Appln. 1512 Of 2018

Gulfam

APPELLANT

Vs

State Of NCT Of Delhi

RESPONDENT

Date of Decision : 04-07-2018

Acts Referred:

Indian Penal Code 1860 — Section 34, 308, 323, 341, 354, 354B, 506
Code of Criminal Procedure 1973 — Section 82, 83

Citation : (2018) 07 DEL CK 0102

Hon'ble Judges : SANJEEV SACHDEVA, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks anticipatory bail in FIR No.120/2018 under Sections 308/34 IPC, Police Station Pandav Nagar.

2. The allegations against the petitioner are that the petitioner, who has a dispute with the victim/complainant, caught hold of the complainant and his son hit him with a blunt weapon from behind. In the FIR the nature of injuries has not been mentioned as the report was awaited, however, learned

APP for state has produced the MLC of the victim wherein the doctor has opined that the nature of the injuries as grievous. The Investigating Officer

has also produced the photographs of the injuries and the wounds sustained by the complainant. The injury sustained is on the back of the head.

3. Learned APP for the State submits that the petitioner has already been declared a proclaimed offender and publication under Section 82 Cr.P.C.

has already been carried out and proceeding under Section 83 Cr.P.C. has been initiated by order dated 02.07.2018. Â

4. Learned APP for the State further submits that the antecedents of the petitioner are not clear as the petitioner is also involved in FIR No.499/2017

under Sections 354/354B/323/506 IPC and FIR No.622/2017 under Sections 323/341/506/34 IPC, Police Station Pandav Nagar.

5. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated and even the complainant is an accused in the other

FIRs.Â

6. The fact that the complainant is an accused in the other FIRs is immaterial as the present is an application by the petitioner seeking anticipatory bail

and the antecedents of the petitioner have to be taken into account while considering the prayer for grant of bail.

7. It may also be noted that the petitioner had also filed Bail Application No.1308/2018 and the same, after arguments, was withdrawn on 31.05.2018.

8. Keeping in view the nature of the allegations in the FIR as well as the injuries sustained by the victim and the fact that the petitioner has already

been declared a proclaimed offender, I am of the view that it is not a fit case for grant of anticipatory bail to the petitioner.

9. The petition is, accordingly, dismissed.

10. Order Dasti under the signatures of the Court Master.