
(2019) 01 DEL CK 0176

In the Delhi High Court

Case No : Bail Application No. 1665 Of 2017

Ram

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 17-01-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 308, 323

Citation : (2019) 1 JCC 427

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Ajit Nair, Ruchika, Meenakshi Dahiya, Ranjan Roy

Final Decision : Disposed Off

Judgement

Sanjeev Sachdeva, J

Crl.M.A.13681/2017 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 1665/2017 & Crl.M.(Bail) 1547/2017 (for interim bail)

1. Petitioner seeks anticipatory bail in FIR No.121/2017 under Sections 308/34 IPC, Police Station Inderpuri. During investigation Section 323 IPC has been added.

2. Allegations in the FIR are that a quarrel had taken place between the complainant's friends and relatives as well as the petitioner and his associates. It is alleged that the dispute occurred as the complainant along with his friends were watching TV and the allegation was that it was being played loudly which was objected to by the petitioner and his associates, which led to a fight. It is alleged that the petitioner assaulted the complainant with a stick.

3. Status report has been filed. Learned APP for the State submits that the nature of injury is simple and since the nature of injury was simple, Section 323

IPC has been added.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that even the name of the petitioner does not figure in the FIR and the petitioner whose name is Ram is alleged to be one Rahul, mentioned in the FIR. He further submits that since as per the medical opinion, the nature of injury is simple, the petitioner should not have been charged with Section 308 IPC and that is why the prosecution has added Section 323 IPC. He submits that instead of substituting Section 323 IPC with Section 308 IPC, Section 323 IPC has been added.

5. Learned counsel for the petitioner submits that the injured was discharged on the very same day after first aid. He further submits that there was also a cross-FIR on the complaint of the petitioner and the complainant and his associates have already been admitted to bail in the said FIR.

6. Learned counsel for the petitioner submits that the petitioner has joined investigation and chargesheet has already been filed.

7. Petitioner was granted interim protection by order dated 24.08.2017, subject to joining investigation.

8. Without commenting on the merits of the case and keeping in view of the facts and circumstances of the case and on perusal of the record, I am of the view that the petitioner has made out a case for grant of anticipatory bail.

9. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on his furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the arresting officer/Investigating Officer/SHO concerned. Petitioner shall not do anything that may prejudice the trial or the prosecution witnesses.

10. The petition is disposed of in the above terms.

11. Order Dasti under signatures of the Court Master.