

(2016) 08 DEL CK 0074

In the Delhi High Court

Case No : Bail Application No. 1151 of 2016

Vimal Kumar Katyal

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision : 11-08-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 323, 34, 341, 354B, 506, 509

Citation : (2016) 3 JCC 2179

Hon'ble Judges : Ms. Mukta Gupta, J.

Bench : Single Bench

Advocate : Mr. Bharat Sharma, Advocate, for the Petitioner; Mr. Hirein Sharma, A.P.P. with ASI Anil Sharma and P.S. Vikaspuri, Advocates, for the Respondent/ State; Ms. Neha Garg, Advocate, for the Complainant

Final Decision : Disposed Off

Judgement

Ms. Mukta Gupta, J.—By the present petition, the petitioner seeks anticipatory bail in case FIR No.360/2016 under Sections 323/341/354B/506/509/34 IPC registered at PS Vikas Puri, Delhi.

2. Learned counsel for the petitioner contends that the dispute between the parties was of unauthorised construction and encroachment made on the common land by the complainant. The petitioner had not gone to the flat of the complainant rather the complainant had come to the office where she started quarrelling. No misbehaviour of any kind whatsoever was committed against her.

3. Learned APP for the State has taken me through the FIR, status report, MLC of the complainant and the statements of the witnesses.

4. The allegations by the complainant in the FIR are that she had applied for membership of Ever shine Apartments Society but the management committee had refused her request. She moved an application before the present management committee at RCS, Delhi for obtaining the membership. On 21st

March, 2016 Cashier of the said society Mr. V.K. Sharma had called the complainant in the office of the said management committee at about 8.00 PM. When the complainant reached the office at around 8.15 PM with her two sons, the Secretary with the present petitioner was present in the office. During discussion with the petitioner he got annoyed and started beating and manhandling the complainant. He also tried to molest her. She came out of the office and the petitioner and his son started beating her. When both the sons of the complainant tried to protect her, they were also given beatings.

5. On record there is no MLC of the sons of the complainant. Further statements of the three eye witnesses noted that on hearing the noise they came out and found that the complainant was lying on the road and they made her get up and took inside. As per the MLC the injuries on the complainant are scrub marks which are possible due to fall on the road.

6. Considering the facts and circumstances of the case, and that the petitioner has already joined the investigation, I deem it fit to grant anticipatory bail to the petitioner. It is, therefore, directed that in the event of arrest, the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount, subject to the satisfaction of the Arresting Officer/SHO concerned, further subject to the condition that he will join the investigation as and when directed by the Investigating Officer and will not leave the country without prior permission of the court concerned.

7. Petition is disposed of. Order dasti.