

Rukshar vs The State Nct Of Delhi on 12 August, 2024

Author: Anoop Kumar Mendiratta

Bench: Anoop Kumar Mendiratta

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2818/2024

RUKSHAR

Through:

versus

THE STATE NCT OF DELHI

Through:

+

BAIL APPLN. 2528/2024

SAHANA

Through:

versus

THE STATE NCT OF DELHI & ANR.

Through:

+

BAIL APPLN. 2613/2024

KESAR

Through:

versus

STATE (GOVT. OF NCT OF DELHI)

Through:

+

BAIL APPLN. 2746/2024

SHABNAM

Through:

versus

STATE (GOVT. OF NCT OF DELHI)

Through:

+

BAIL APPLN. 2762/2024

ANAM

Through:

versus

STATE (GOVT. OF NCT OF DELHI)

Through:

BAIL APPLN. 2818/2024 & connected

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Presence :

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRAT
ORDER

% 12.08.2024 CRL.M.A. 22930/2024 in BAIL APPLN. 2746/2024 Exemption allowed, subject to just exceptions.

Application stands disposed of.

BAIL APPLN. 2818/2024, 2528/2024, 2613/2024, 2746/2024 & 2762/2024

1. BAIL APPLN. 2818/2024 under Section 438 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been preferred on behalf of the petitioner / Rukshar for grant of anticipatory bail in FIR No. 0182/2024, under Sections 323/341/354/34 IPC registered at P.S.: Mahendra Park. Sections 307/148/ 149/506 IPC were subsequently invoked.

2. Issue notice. Learned APP for the State appears on advance notice and accepts notice.

3. Also, four separate applications for anticipatory bail have been preferred on behalf of co-accused [i.e. Sahana (BAIL APPLN. 2528/2024), Kesar (BAIL APPLN. 2613/2024), Shabnam (BAIL APPLN. 2746/2024) and Anam (BAIL APPLN. 2762/2024)], which are pending consideration before this Court.

4. The detailed facts have already been noticed by this Court vide order dated 26.07.2024 passed in BAIL APPLN. 2613/2024 & 2528/2024 preferred on behalf of co-accused Kesar & Sahana and the same may be beneficially This is a digitally signed order.

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"4. In brief, as per the case of the prosecution, initially FIR No.180/2024 was registered on statement of complainant „J.....i under Sections 323/341/354A/354B/34 IPC who alleged that on 30.03.2024 at about 7:15 pm, since milk being carried by B..i M...a was spilled by son of S....a who was playing at the spot, B..i M...a sent her son Shahnabaz to call S....a. She further alleged that when she reached near chicken corner, A-1 Market, Guleshan and Imran were already present there. Shahnabaz also reached at the aforesaid time and outraged her modesty and tore her clothes. Hearing commotion, R....r and S.....a also reached at the spot. Further, Guleshan caught hold of R....r and assaulted her, and S....a was caught hold and assaulted by Imran. FIR was accordingly registered on statement of complainant „J.....i aginast Guleshan, Imran and Shahnabaz. It is informed by the IO that Section 376 IPC was subsequently invoked on the allegations levelled by complainant.

5. It is further the case of the prosecution that FIR No.182/2024, under Sections 323/341/354/34 IPC was registered on statement of complainant „B..i M...a who alleged that while she was returning home after procuring milk from dairy, she was rebuked by S....a (petitioner in BAIL APPLN. 2528/2024), S.....m, J.....i and R....r with whom earlier there had been a dispute. Further, aforesaid persons rebuked her and when she objected, they stopped her and started assaulting her. On hearing noise, son of complainant „B..i M...a , namely, Guleshan and Shahnabaz reached at the spot and when they tried to save her, they were also beaten by S.....m, S....a, J.....i and R....r Subsequently, Ansar and Hairan also joined them and gave beatings to complainant „B..i M...a and her sons.

During course of investigation, Kesar (petitioner in BAIL APPLN. 2613/2024) was arrayed as an accused on the statement of complainant „B..i M...a recorded under Section 164 Cr.P.C., wherein she alleged that Kesar alongwith other accused persons tore clothes and assaulted complainant „B..i M...a and her sons. It is informed by the IO that subsequent to statement of complainant under Section 164 Cr.P.C., Sections 307/148/149/506 This is a digitally signed order.

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5. Learned counsels for petitioners submit that apparently as per CCTV footage, petitioners were not the assaulting party and scuffle had ensued after other side had approached. It is urged that petitioners (except Rukshar) have already joined the investigation. He further points out that all the injured were discharged from the hospital on the same day and the injuries were opined to be simple in nature.

6. On the other hand, applications are opposed by learned APP for the State along with learned counsel for complainant. Learned APP for the State, on instructions of IO, submits that CCTV footage in respect of FIR No. 0182/2024 has been collected, wherein, it is depicted that while the petitioners / accused involved in aforesaid FIR were peacefully standing in the corner of the gali, complainants, who are accused in FIR No. 0180/2024 registered under Sections 323/341/354A/354B/34 IPC, had reached the spot and suddenly quarrel was followed with assault, which resulted in registration of FIR No. 0182/2024. It is further clarified that incident involved in FIR No. 0180/2024 had subsequently occurred, wherein complaint was lodged at instance of petitioners herein.

7. Learned counsel for complainant submits that complainant side apprehends danger to their life, since there were earlier disputes between the parties and an FIR stood registered at instance of complainant in the year 2020. A complaint case is stated to have been filed before the learned MM, on the basis of which, Section 307 IPC is stated to have been invoked in present FIR.

8. I have given considered thought to the contentions raised.

Apparently, the CCTV footage, which has been produced before this This is a digitally signed order.

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9. Considering the facts and circumstances of the case, since petitioners have already joined the investigation, without expressing any opinion on the merits of the case, in the event of arrest, petitioners be admitted to bail on furnishing a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) each with one surety in the like amount to the satisfaction of the IO / SHO, PS concerned subject to their joining investigation.

Applications are accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be kept in connected applications.

ANOOP KUMAR MENDIRATTA, J AUGUST 12, 2024/R This is a digitally signed order.

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