

Santosh vs.state

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Court : Delhi

Decided On : Feb-21-2019

Appellant : Santosh

Respondent : State

Judgement :

\$~10 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

21. 02.2019 BAIL APPLN. 2816/2018 SANTOSH STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Ms.Rebecca John, Sr.Adv. with Mr.Sumit Chaudhary, Mr.Kushdeep Gaur, and Ms.Megha Bahl, Advs. For the Respondent: Ms.Kusum Dhalla, APP with Insp.Ram Avtar, P.S.Kanjhawala. Mr.S.P.Sharma, Adv. for the complainant.
CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks anticipatory bail in FIR No.427/2018 under Sections 308/3 IPC, Police Station Kanjhawala. Subsequently on the death of the injured, Section 302 IPC has been added.

2. The allegations in the FIR are that the complainant along with his mother and father were going to their field and working there. They share a common field with the petitioner and her family and there was earlier also a dispute with regard to sharing of water. It is alleged that on the day of the incident i.e. 28.10.2018, the 3. BAIL APPLN. 2816/2018 Page 1 of 3 complainant along with his father and mother went to the field to work.

... Petitioner

and her son were already working in their field. A quarrel took place and the petitioner abused the mother and father of the complainant and a verbal altercation broke out. Subsequently, the son of the petitioner who was working in the field with a Kassi (spade) hit the same on the head of the father of the complainant who sustained serious injuries. He was immediately shifted to the hospital and subsequently expired after 4 days of treatment.

4. In the supplementary statement of the son and the statement of the mother under Section 161 Cr.P.C, the complainant and his mother have alleged that the petitioner held the mother of the complainant and exhorted her son to hit the father of the complainant on his head to eliminate him.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated. She submits that there is a substantial improvement in the supplementary statement given to the police after the death of the victim. It is contended that the version that comes out from the FIR shows that there was a quarrel and the incident happened on the spur of the moment and there is no mention of any exhortation given by the petitioner or any role ascribed to the petitioner except of abusing the complainant and his family.

6. On 11.12.2018 petitioner was granted interim protection subject to joining investigation. Learned APP under instructions submits that BAIL APPLN. 2816/2018 Page 2 of 3 petitioner has joined investigation and investigation qua

her role is concluded and there is no further requirement of petitioner to join investigation.

7. Without commenting on the merits of the case and on perusal of the record, I am satisfied that the petitioner has made out a case for grant of anticipatory bail. Accordingly, it is directed that in the event of arrest, the arresting officer/IO/SHO shall release the petitioner on bail on her 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 which may prejudice either the investigation, trial or the prosecution witnesses.

8. 9. Petition is allowed in the above terms. Order Dasti under signatures of the Court Master. SANJEEV SACHDEVA, J FEBRUARY21 2019 rk BAIL APPLN. 2816/2018 Page 3 of 3

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