



3. The said police station has charge sheeted the applicant and the other co-accused accordingly as a result of investigation of C.R. No. 52 of 2014 registered upon the F.I.R. lodged by one Rubi Verma on 24/01/2014 regarding incident of kidnapping of her minor son Ayush aged about four years. The F.I.R. reveals that her son Ayush was kidnapped when alongwith one Sonia Gupta, daughter of the friend of first informant i.e. charge sheeted accused No.1 he was taken for purchasing a chocolate.

4. The learned counsel for the applicant submitted that material against the applicant in the shape of the statement of said Sonia Gupta is incredible on two counts i.e. firstly her statement was recorded after about 10 days after occurring of the incident i.e. on 06-02-2014 after kidnapped boy was rescued from West Bengal. It is submitted that the said material is incredible as the statement of first informant itself reveals that during inquiry

made by her with Sonia on the day of incident she has claimed ignorance as to where Ayush had gone. It is submitted that only for implicating the applicant the statement of Sonia is subsequently recorded.

5. The perusal of the statement of Sonia which is recorded in question and answer form *prima facie* militates against herself having narrated a tutored story. The same is apparent upon the questions asked and the answers received. Having regard to it, at the present stage merely because the statement is recorded after about 10 days of occurrence of the incident by itself would not wipe out the value of the material contained therein. It appears accordingly, after taking into consideration the age of the said child. The said reasoning would be also equally applicable to the another submission canvassed i.e. herself on earlier occasion having not disclosed such matter to the first informant. It is settled legal

position that the evidence of each of the witness is to be assessed independently. Having regard to it, merely because the said matter not found in the F.I.R. would not be a good ground to discard the said material at this stage.

6. Thus even without reference to the other material collected during the course of investigation i.e. said to be in the shape of CCTV footage collected at CST railway station and the events occurred on 26/01/2014 at about 5.30 am when the kidnapped boy was handed over to the charge sheeted accused No.4 i.e. mother of accused No.1 and the incriminating material in the shape of tickets found in the search of the applicant, the earlier referred material is alone *prima facie* sufficient for showing *prima facie* the involvement of the applicant in the commission of most serious offence i.e. kidnapping a minor for the purpose of ransom.

7. Resultantly there are no merits in the application for bail. Application stands rejected.

8. Nothing herein to be construed as a opinion expressed by this Court upon the merits of the prosecution case as all the said observations are primarily made for determining the merits of the prayer in the application.

(P.D. KODE, J.)