

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 568/2016**

SHIV KUMAR @ SHIVA Petitioner

Through : Mr.Abhay Kumar, Advocate.

versus

STATE NCT OF DELHI Respondent

Through : Mr.Vinod Diwakar, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **18.03.2016**

CRL.M.A.No.4475/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 568/2016

1. The petitioner seeks regular bail under Section 439 Cr.P.C. in case FIR No.827/2014 registered under Sections 364A/328/120B/34 IPC at PS Mianwali Nagar, Delhi. Status report is on record.

2. I have heard the learned counsel for the parties. Counsel for the petitioner urged that the petitioner is in custody since 06.11.2014. Upon completion of investigation, a charge-sheet has already been filed. Co-accused – Atender Kaur and Saranpal Singh have been granted anticipatory bail by this Court vide order dated 19.05.2015. Ingredients of Sections 364A/328 IPC are not attracted. No independent witness was associated at the time of alleged recovery from the petitioner. The petitioner has clean antecedents. Learned APP has opposed the bail. He states that allegations against the petitioner are serious and ₹3 lacs were recovered from him.

3. The FIR was lodged on the statement of Murad Ali – victim’s son on 06.11.2014. In the FIR Murad Ali alleged kidnapping of his father – Islamuddin. He further informed that ₹3 lacs were asked to be arranged by his father for his release on phone. Thereafter, he lodged the report with the police. Record further reveals that the complainant was in touch on phone with his father and was directed to reach at a particular destination to deliver the ransom amount of ₹3 lacs. Status report reveals that the petitioner arrived at the spot to collect ₹3 lacs and was apprehended. The amount of ₹3 lacs delivered to him was recovered from his possession. Apparently, a conspiracy was hatched by the petitioner along with his associates to extract ₹3 lacs from the victim by putting him in fear and threatening to defame him by showing a sex video tape in compromising position with ‘X’. The material prosecution witnesses are yet to be examined. Status report reveals that co-accused Varun @ Joney, Kunal @ Ganesh and Jyoti @ Priya have been declared Proclaimed Offender on 31.03.2015.
4. Considering the gravity of the offence and the role played by the petitioner in the occurrence, no sufficient ground for grant of bail. The bail application is dismissed.
5. Observations in the order shall have no impact on the merits of the case.

S.P.GARG, J

MARCH 18, 2016 / tr