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

+ **BAIL APPLN. 2748/2015**

DEEPAK

..... Petitioner

Through: Sh. Om Prakash Sharma, Mr. Vikas
Sharma and Mr. Vikas Khatak,
Advocate

versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Alpana Pandey, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.03.2016

1. By way of this application under Section 439 Cr.P.C, the petitioner is seeking regular bail in FIR No. 27/15 under Sections 364A/34 IPC.
2. Mr. O.P. Sharma, Advocate on behalf of the petitioner submits that no offence under Section 364A IPC is made out against the present petitioner. He has referred to the statement of the kidnapped child wherein he has not named the petitioner to be the person who has kidnapped him.
3. He submits that on the date the child was allegedly kidnapped, the petitioner was on duty and a certificate to this effect has been placed on record as Annexure C-1 on page 56. He further submits that neither the ingredients of Section 364A IPC are satisfied in the case nor there is any material against him to show any active role on the part of the petitioner either in kidnapping the child or keeping the child confined. Hence the petitioner who is in custody since his arrest in this case may be released on

bail.

4. Learned counsel for the petitioner further submits that the role attributed to the petitioner is that he had accompanied the co-accused at the time of collection of ransom money.

5. Learned APP on behalf of the State strongly opposes the release of the petitioner on bail as he is involved in very heinous crime of kidnapping of child for ransom. He submits that telephone calls were made for collection of ransom and the kidnapped child has also been recovered at the behest of the petitioner and the co-accused. It has been further submitted that the presence of the petitioner for the purpose of collection of ransom shows his involvement in this occurrence.

6. I have considered the rival contentions. In a case of kidnapping of child for ransom, roles assigned to each person who planned kidnapping may vary but the mere fact that the petitioner was allegedly present along with the co-accused for collection of the ransom which was the ultimate motive for kidnapping the child by his co-accused, makes the nature of the offence so serious that he cannot be considered for release on bail. The contention of the petitioner that he was allegedly on duty on the day of kidnapping is no ground to consider his release on bail.

7. Keeping in view the nature of the accusation and severity of the punishment prescribed for the offence for which the petitioner has been charged, I do not find it to be fit case to release him on bail. Bail application is hereby rejected.

PRATIBHA RANI, J.

MARCH 17, 2016

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