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

+ **BAIL APPLN. 2637/2016**

SACHIN

..... Petitioner

Through Mr. Hemant Kumar, Adv. with Mr.
Sahil Dalda, Adv.

versus

STATE

..... Respondent

Through Dr. M.P. Singh, APP.
SI Rajpal PS Uttam Nagar.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

% **27.04.2017**

The petitioner seeks bail in connection with Sessions Trial No.56838/2016 pending before the Court of the learned Additional Sessions Judge, Tis Hazari Courts, Delhi, in connection with FIR No.621/2015 (PS Uttam Nagar) instituted for offences under section 364A/120B of the IPC.

The aforesaid case was registered on the complaint of one Baljeet Maan whose son was kidnapped for ransom. After about a day of the son of the informant going missing from his house, the informant received a ransom call and was asked to pay up Rs.3 lakhs for the release of his son. One Usman of Khajura Jat village in the district of Bijnor was arrested who disclosed that he had purchased four SIM cards, one of which was used for making the ransom call, from a shop, which is stated to be of the petitioner. The petitioner is alleged to have given the SIM cards on fake identity cards

to Usman, even when Usman had disclosed before him of his plans of kidnapping and taking ransom.

The learned counsel for the petitioner submits that it is an absolutely false allegation. The petitioner was arrested from his village after about 6 days of the occurrence. The petitioner even denies of his having any shop for sale and purchase of SIM cards. The petitioner states that he is a farmer and has been implicated in the case either on a mistaken identity or false allegations. During the course of investigation, it was alleged that one of the SIM cards which was sold by the petitioner to the accused persons, was being used by the wife of the petitioner. The learned counsel for the petitioner submits that the CDR submitted during the course of investigation completely belies the aforesaid statement.

Be that as it may, there is absolutely no allegation of petitioner having made any ransom call or having facilitated anyone of the accused persons in taking away the son of the informant from his house. The son of the informant was recovered from somewhere in Uttam Nagar but not at the instance of the petitioner.

Thus, the only allegation against the petitioner is of having sold SIM cards, one of which was used in the ransom call. The accusation, thus, is only on the basis of a disclosure by one of the accused persons.

After framing of charges, on several dates, neither the complainant nor his son has come before the Trial Court to depose.

Regard being had to the aforesaid set of facts and taking into account that now the informant is also not coming to depose before the Trial Court and the period of custody of the petitioner (since 14.05.2015), this Court is inclined to release the petitioner on bail.

The petitioner is directed to be released on bail on his furnishing bail bond in the sum of Rs.25,000/- with two sureties, one being a local person, of the like amount to the satisfaction of the Trial Court.

The petitioner shall not leave the confines of National Capital Territory of Delhi without obtaining prior permission of the Trial Court. In case he applies for permission before the Trial Court to go to his village, the Trial Court shall require of him to furnish his and his surety's mobile telephone numbers before giving such permission.

In the event of such permission being granted to the petitioner, the Trial Court shall further direct the petitioner to visit the local police station, in whose territorial jurisdiction his village falls, on every alternate day as long as he stays in his village. The petitioner shall appear in the trial on all the dates and his absence on three consecutive days from the Trial Court without plausible explanation would entitle the state to proceed for cancellation of his bail.

The application is disposed of.

Dasti.

ASHUTOSH KUMAR, J

APRIL 27, 2017
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