

\$~13

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

+ **BAIL APPLN. 1432/2017**

MUZAKKIR

..... Petitioner

Through: Mr.Ravindra S.Garia, Advocate

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP for the
State with SI Manoj Kumar PS Crime
Branch

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

26.07.2017

CRL.M.A.11906/2017

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 1432/2017

1. By way of this petition filed under Section 439 Cr.P.C., petitioner is seeking regular bail in case FIR No.11/2015 under Sections 342/364-A/395/411/120-B IPC registered at PS Crime Branch.
2. The bail application filed by the petitioner has been dismissed on 9th June, 2017 by the learned Trial Court for the following reasons:-

"I have gone through the bail application, record of the case and have heard the submissions forwarded by learned counsel

for accused and learned APP for State, to undergo TIP proceedings and the accused refused the same. Offence is heinous. So, no ground exists for bail, at this stage. Accordingly, the bail application of accused Musakkir is dismissed.”

3. Learned counsel for the petitioner has submitted that the petitioner, who is from district Mewat, Haryana, is holding a diploma in Civil Engineering and even if the prosecution case is accepted as it is, the role assigned to him is limited to the extent that in the entire chain of the events he was there with other co-accused when they allegedly threatened the two abducted persons to ask their families to pay the ransom. It has been contended that the petitioner had neither called the victims nor had come to Delhi to receive the ransom and has been falsely implicated alleging that he was present at the place where the co-accused had kept the abducted persons and also joined them in threatening the abducted persons to make their family pay ransom.

4. Learned counsel for the petitioner submits that petitioner is in custody in this case since 25th June, 2015 i.e. for more than two years and taking into consideration that he is a young diploma holder in civil engineering, he may be enlarged on bail.

5. Mr.Kewal Singh Ahuja, learned APP for the State has furnished the status report and highlighted the role of the petitioner mentioned therein. As per the status report, two businessmen from Gujarat who come to Delhi for business purpose were abducted and ransom was demanded for their release. The role attributed to the petitioner is that when the ransom of rupees one crore was demanded for the first time he was with the other co-accused

persons and also threatened and tortured the abducted persons for the purpose of compelling them to pay the ransom amount. It is also mentioned in the status report that the petitioner Muzakkir refused to take part in the Test Identification Parade. As per the status report the matter is listed before learned Trial Court for examination of the complainant and other witnesses.

6. Taking into consideration the nature and gravity of the offence and the fact that as per prosecution case he was part of the conspiracy for abduction of the victims for ransom, I do not find it to be a fit case for release of the petitioner on bail.

7. The application is dismissed.

PRATIBHA RANI, J.

JULY 26, 2017

'pg'