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

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Judgment delivered on: 14.08.2018

+ BAIL APPLN. 1036/2018

AMAR SINGH @ ANGAD

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Anand Maheshwari, Advocate.

For the Respondent : Mr. Panna Lal Sharma, Addl. PP for the State with IO.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

14.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks regular bail in FIR No. 166/2010 under Sections 363/370/372/34 of the IPC, registered at Police Station Sarai Rohilla, Delhi.

2. As per the allegations in the FIR, the prosecutrix was kidnapped in the year 2010 allegedly by the petitioner who then delivered the prosecutrix to a co-accused. The prosecutrix was recovered in the year 2016 and is alleged to have identified the petitioner in her statement recorded under Section 164 Cr. P.C.

3. It is submitted by learned counsel for the petitioner that the prosecutrix in her evidence before the trial court has deposed that she had identified the co-accused before the police and when she was shown a photograph of one uncle (petitioner herein) and aunty, in a haste she had stated that they were the ones who used to reside in her lane. She in her deposition before the Trial Court has declined to identify the petitioner and has denied the suggestion that it is the petitioner who had kidnapped her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated as there is no evidence on record to connect the petitioner with the subject offences. He submits that the petitioner was implicated only on the statement of prosecutrix recorded under 164 Cr. P.C. which now the prosecutrix has explained – that in haste she has identified the petitioner, however, before the trial court she has stated that she did not identify the petitioner and he is not the one who had kidnapped her.

5. Status report has been filed. As per the status report, the only incriminating material as mentioned against the petitioner is statement under Section 164 Cr. P.C. and that has now been contradicted by the testimony given by her before the trial court. Further, the allegations against the petitioner are that the petitioner was in contact with one Vinod who is co-accused.

6. Learned counsel for the petitioner further submits that the status report indicates that co-accused Vinod is relative of the petitioner and mere call connection does not incriminate the petitioner, in any manner.

7. The petitioner has been in custody since 23.07.2017.

8. Without commenting on the merits of the case and keeping in view the facts and circumstances of the case and on perusal of the record I am satisfied that, the petitioner has made out a case for grant of bail.

9. Accordingly, petitioner is directed to be released on bail on his furnishing a personal bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the trial court, if not required in any other case. The petitioner shall not do anything that may prejudice either the trial or the prosecution witnesses. The petitioner shall not leave the country without permission of the trial court.

10. Order Dasti under signatures of the Court Master.

AUGUST 14, 2018
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SANJEEV SACHDEVA, J