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\$~23 & 25 (common order)

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

+ BAIL APPLN. 2776/2018

RAMVEER SINGH

..... Petitioner

Through: Mr. Vijay Kinger, Advocate

versus

STATE

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State

+ BAIL APPLN. 2782/2018

VIPIN KUMAR

..... Petitioner

Through: Mr. Vijay Kinger, Advocate

versus

STATE

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.11.2018

CrI.M.A.48066/2018 (exemption) in BAIL APPLN. 2776/2018

CrI.M.A.48090/2018 (exemption) in BAIL APPLN. 2782/2018

Exemption allowed, subject to all just exceptions.

Both the applications stand disposed of.

BAIL APPLN. 2776/2018

BAIL APPLN. 2782/2018

On 29.09.2017 first information report (FIR) No.309/2017 was registered in Police Station Sonia Vihar at the instance of the petitioner Ramveer Singh, it alleging offence under Section 363 IPC having been

BAIL APPLN. 2776/2018 etc.

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committed *qua* his 12 years old daughter. Vineet Kumar, the complainant of case FIR No.258/2018 registered by Police Station Sonia Vihar on 16.11.2018, alleging offences punishable under Sections 384/511/34 IPC, was named as the person responsible for the abduction of the girl child. Keeping in view the age and the allegations made, offences under Section 354-D IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 were also added to the said FIR.

Vineet Kumar, the person named as accused in case FIR No.309/2017, had approached this court for release on anticipatory bail. His bail application (No.2648/2017) was allowed and he was released on anticipatory bail, the facts noted in the order dated 29.08.2018 including his submission that an attempt was being made to extort money from him by the petitioners Ramveer Singh and Vipin Kumar, they being father and brother respectively of the said girl child, certain recordings (audio and video) having been presented in the form of compact disc (CD) at that point of time.

The learned Single Judge while disposing of the anticipatory bail application of Vineet Kumar, directed the concerned SHO to take appropriate legal action as revealed by the conversation presented in the form of CD, its forensic scrutiny having statedly confirmed the voices. It is in the wake of the said directions that on the complaint of Vineet Kumar, FIR No.258/2018 was registered by Police Station Sonia Vihar.

Status report has been submitted.

Both sides have been heard and the case diary has been perused.

The transcript of the conversation forming part of the video recording has been shown. It, however, appears that the video recording is of selective portion of the conversation, it not being clear there from as to which side had approached the other in the first instance. Given the allegations which were made initially against the first informant Vineet Kumar, it would be appropriate that the present petitioners are granted similar protection as accorded to him as the investigation is likely to take some time to conclude.

In the foregoing facts and circumstances, both the petitions are allowed. It is directed that in the event of the petitioners being arrested, they shall be released on bail by the arresting officer on furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount each, subject to the following further conditions:-

(i) The petitioners shall continue cooperating with the investigation and join the same as and when called upon to do so;

(ii) The petitioners shall not come in contact with or try to influence any of the witnesses connected to the case;

(iii) Prior to their release, they shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the investigating officer;

(iv) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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(v) They shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit their passports, if they holds one, with the said court.

This order will inure only till the date of first appearance of the petitioners in the event of a charge-sheet being filed on conclusion of the investigation and process being issued against them by the court of cognizance.

Both the petitions stand disposed of in above terms.

Dasti under the signature of Court Master.


R.K. GAUBA, J.

NOVEMBER 27, 2018

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