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

+ **BAIL APPLN. 41/2019**

RUPESH

..... Petitioner

Through: Mr. Pradeep Kumar Yadav and
Ms. Sheenu Chauhan, Advocates

Versus

THE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. M.P.Singh, Additional Public
Prosecutor for respondent-State
with SI Yogender

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

10.01.2019

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Pre-arrest bail is sought by petitioner in FIR No.417/2018, under Section 384/34 IPC, registered at police station Burari, Delhi, on the ground that he is not named in FIR and has been falsely implicated on the disclosure statement of co-accused persons, which is inadmissible. Petitioner's counsel submits that petitioner is a labourer and no notice to join the investigation has been given to petitioner and he is ready to join investigation. It is submitted that petitioner has been falsely implicated in this case and so, he deserves pre-arrest bail.

Upon notice, Mr. M.P.Singh, learned Additional Public Prosecutor for respondent-State submits that co-accused who have been arrested, have named petitioner as the main accused. It is submitted that custodial investigation of petitioner is required to connect him the mobile call made to extort the money.

Upon hearing and on perusal of the FIR of this case, I find that no reason is forthcoming as to why petitioner has been falsely implicated by the co-accused. Custodial investigation is required to trace out the mobile phone and the sim from which various calls were made by petitioner to his co-accused to establish complicity of petitioner in the commission of crime in question. The nature of allegations leveled against petitioner and his co-accused of demanding a ransom of ₹50,00,000/- from the complainant with the threat of killing the son of complainant are of serious nature. The gravity of the offence persuades this Court to deny bail to petitioner.

In view of aforesaid, this application is dismissed while refraining to comment on merits lest it may prejudice to petitioner at trial.

SUNIL GAUR, J

JANUARY 10, 2019

r/v