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

+ **BAIL APPLN. 2028/2019**

GORAV SHARMA @ HARSH KUMAR Petitioner

Through: Mr K. Singhal and Ms Shilpa G.
Mittal, Advocates.

versus

STATE NCT OF DELHI Respondent

Through: Mr Tarang Srivastava, APP for State.
SI Abodh Sharma, PS Preet Vihar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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18.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying for bail in FIR No. 168/2017, under Sections 364A/419/468/469/476/201/120B/34 of the IPC, registered with PS Preet Vihar. The allegation against the petitioner is that he was part of the conspiracy and involved in kidnapping the victim.
2. The present petition is premised on the basis that victim has been examined and he has not identified the petitioner as one of the kidnappers. It is also stated that other co-accused have been granted bail by the Trial Court.
3. It is apparent from a plain reading of the order dated 16.05.2019 passed by the Trial Court that the petitioner's prayer for bail was rejected because he had been absconding for about one year and the police authorities had also announced an award of ₹50,000/- for any person who gave information as to the whereabouts of the petitioner.

4. Mr Srivastava, learned APP states that even though the victim has not identified the petitioner, there are other material witnesses who are required to be examined and that the prosecution would be in a position to secure a conviction against the petitioner.

5. The status report has also been filed. A perusal of the same indicates that the allegation against the petitioner is that he had played an active role in the incident of kidnapping the victim along with his associates, namely, Sushil, Anuj and Vivek @ Modi. It is stated that he had provided the accommodation for the victim (after he was abducted) at village Lakhwaya, Rohta Road, Meerut from 07.07.2017 to 09.07.2017 and at Vedyaspur, Meerut from 09.07.2017 to 11.07.2017. It is also alleged that the petitioner had accompanied other accused persons in guarding (confining) the victim. It is stated that the accused had been duly identified by the victim as well as certain other witnesses, namely, Smt. Omwati (Landlady of the rented house), Sh. Sachin Tyagi (Owner of flat at Bijnore), Sh. Pradeep Chauhan (who arranged a flat at Bijnore) and Sh. Rajpal Singh @ Raju (house owner/Pradhan of Village Chuhapur, Muzaffarnagar) through his photographs. It is stated that the supplementary charge-sheet has also been filed.

6. Admittedly, the victim has not identified the accused. According to this testimony, the accused persons (including the petitioner) were not the persons who had abducted him. It is also not disputed that other co-accused had been granted bail.

7. It is also seen from the status report that the allegation against Sushil

Kumar (one of the co-accused) also includes the allegation that he had made the ransom call. The status report also indicates that one Pramod Kumar had fired at the police party during the operation to rescue the victim. This Court is informed that Pramod Kumar has also been released on bail.

8. The only reason why the petitioner has not been released along with other co-accused is his earlier conduct. He had absconded and had not joined the investigation. In view of the petitioner's past conduct, it would be apposite to secure the bail by a higher security; however, it would not be apposite to deny him parity with other co-accused.

9. In view of the above, the present petition is allowed and the petitioner is directed to be released on bail on his furnishing a security bond for a sum of ₹1,50,000/- and two sureties of an equivalent amount to the satisfaction of the concerned Trial Court. The petitioner shall also report to the SHO of the concerned Police Station at 10:30 a.m. on every Monday of the calendar week. The petitioner shall provide his mobile number and ensure that he is reachable on it at all times. The petitioner shall also ensure that he attends the hearings before the Trial Court.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 18, 2019
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