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

+ **BAIL APPLN. 2581/2018**

SHYAM SUNDER

..... Petitioner

Represented by: Mr. Nilesh Kumar, Mr. Nimesh
Kumar, Mr. Babloo, Advs.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
SI Jaibir PS Alipur.

+ **BAIL APPLN. 3000/2018**

LOKESH

..... Petitioner

Represented by: Mr. Avadh Kaushik, Mr. Robin
Singh, Advs.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Meenakshi Chauhan, APP with
SI Jaibir PS Alipur.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

25.01.2019

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By these petitions the petitioners seek bail in case FIR No. 147/2017 under Sections 392/394/365/34 IPC registered at PS Alipur.

The above-noted FIR was registered after an information was received regarding abduction of driver and cleaner of a vehicle and looting of truck vide DD No. 5A at PS Alipur. Later the victims Hargovind Yadav

and Ashok Yadav were brought to Police Station Alipur wherein Hargovind Yadav stated that on the night of 21-22nd April, 2017 he along with his helper Ashok Yadav had gone to District Katani, Madhya Pradesh in Truck No. HR-55W1818 with 265 cartons from godown at village Siraspur, Delhi. When they reached near Jindpur flyover, one car overtook and stopped his truck. Three persons came down from the car and forcibly entered the cabin of the truck and forcibly put the driver and cleaner of the truck behind the driver seat. One of the accused started driving truck towards Karnal Bypass. Thereafter the complainant and his helper were shifted to a car followed by the truck with two accused persons and when Wazirabad flyover came, there they were thrown out of the car by tying their hands and legs with pieces of clothes.

The two witnesses i.e. Hargovind Yadav and Ashok Yadav have appeared in the witness box and stated about the entire incident as stated by them in the FIR and their statement recorded under Section 161 Cr.P.C. however, in their testimonies the two witnesses have not recognized the accused i.e. petitioners herein as the persons who kidnapped them.

Learned APP for the State submits that the fact that the victims though stated about the entire incident but failed to identify the petitioners clearly show the terror of the petitioners in the mind of the victims. She further states that by way of circumstantial evidence the petitioners have been connected to the offence for the reason at the instance of the petitioners, car and one carton of the looted property was recovered which was seized by police officer of PS Kotwali Dehat, District Bulandsahar.

Considering the testimony of the two witnesses coupled with the

circumstantial evidence, this Court finds no ground to grant bail to the petitioners.

Petitions are dismissed.


MUKTA GUPTA, J.

JANUARY 25, 2019
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