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

+ **BAIL APPLN. 446/2020**

OM PRAKASH @ OMI

..... Petitioner

Through: Counsel for the petitioner (appearance
not given).

versus

STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State with
Insp. Virender Kumar, PS Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.02.2020

CRL.M.A. 3396/2020

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition seeking bail in connection with FIR No.0002/2018 registered with PS Crime Branch. It is seen that the said FIR was filed under Section 364A of the IPC. It is alleged that the victim had been kidnapped for ransom. It is also stated that the family had paid ₹4 crores as ransom for the release of the victim. According to the prosecution, the amount of ransom paid by the family as well as the victim were recovered.

3. The learned counsel appearing for the petitioner submits that there have been material discrepancies in the testimonies of the witnesses – father

of the victim (PW3) and the victim (PW5). He states that whereas PW-3 has stated that the victim was kidnapped at about 08:00 PM from his office, while PW-5 (the victim) stated that he had been kidnapped at about 9:30 PM from Nelson Mandela Marg. It is seen that the Trial Court has considered the above and noticed that the victim had left the office from Lajpat Nagar. Thus, the Trial Court was of the view that there were no material inconsistencies in the testimonies.

4. At this stage, it would not be apposite for this Court to examine the testimonies of the witnesses in detail, as the question whether the petitioner is guilty of an offence, would have been determined on the basis of the testimonies of all the witnesses and other evidence available on record.

5. Considering the gravity of the offence and that the matter is at a crucial stage of trial, this Court does not consider it apposite to allow the present petition. In addition to the gravity of the offence, there is also the risk of the petitioner fleeing to escape the proceedings.

6. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

FEBRUARY 14, 2020
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