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

+ **BAIL APPLN. 636/2020**

RAJEEV JAIN alias ANURAG

.....Petitioner

Through: Mr. Kush Sharma, Advocate.

versus

STATE

..... Respondent

Through: Mr. M.P. Singh, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.05.2020

CRL.M.A. 6580/2020 (early hearing)

1. For the reasons mentioned in the application, it is allowed.
2. The application stands disposed-off.

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3. The hearing was conducted through video conferencing.
4. The petitioner seeks bail in FIR No. 339/2018 registered under sections 365/392/364A/120B/411/34 IPC at Police Station, Nabi Karim. The learned counsel for the petitioner submits that two co-accused, who are stated to be identically placed in this case/FIR alongwith the petitioner, have been granted bail by this Court by order dated 10.12.2019 in BAIL APPLN. Nos. 2401/2019 and 2223/2019 apropos Payal and Manish Rathore, respectively. The said order reads as under:-

“1. The present bail application has been filed seeking regular bail in FIR No. 339/2018, under Sections

365/392/34 IPC, registered at Police Station Nabi Karim, Delhi. It is submitted that subsequently, charge-sheet has been filed under Sections 365/392/364A/120B/411/34 of IPC. Vide order dated 26.03.2019, charges were framed against the applicant under Sections 364- A/398/392/411 and 120B IPC.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and she has been in custody since 12.10.2018. It is submitted that the applicant is an unmarried girl aged about 24 years. It is also submitted that no recovery has been affected from the present applicant and even from the disclosure statement dated 12.10.2018, no prima-facie case is made out. Lastly, it is submitted that the petitioner has no criminal antecedents. It has been submitted that the case is pending for examination of the complainant, who is a foreign national from Bangladesh and has not appeared.

3. Learned APP for the State, on the other hand, has opposed the bail application. It is stated that the complainant had identified the present applicant in the judicial TIP. He, on instructions further submits that though the complainant has gone back to his home country, however he might be examined through video conferencing. It is informed that of total 22 prosecution witnesses, only two witnesses have been examined.

4. As per the prosecution case, the call for the ransom was made by one Kabir Ahmad, who has been cited as a prosecution witness. It has been informed that no CDR has been collected in support of the ransom call. It is stated that at the time of the incident, the complainant was accompanied by his two associates, namely Tipu Sultan & Rajat. However, none of them has been cited as a witness.

5. Looking into the totality of the facts and circumstances of the case and without pressing on the merits of the case and the fact that the petitioner is in custody since 12.10.2018, the applicant is admitted to regular bail on her furnishing a personal bond in the sum of ₹30,000/- with one surety of the like amount to the satisfaction of the Trial Court and subject

to the following conditions :-

(i) The applicant will not directly or indirectly make any inducement, threat or promises to the complainant or any witness during the trial or tamper with the evidence.

(ii) The applicant shall provide the I.O./SHO Police Station Nabi Karim, Delhi with her mobile phone number and in the event of change of her residential address, shall inform the same to the I.O./SHO.

(iii) The applicant shall not leave the jurisdiction of the National Capital Territory of Delhi without prior permission of the concerned Court.

(iv) The applicant shall remain regularly present before the Trial Court.

6. With the above directions, the bail application is disposed of.”

5. On a specific query put to the learned counsel for the State whether any distinction is made between the role of the present petitioner and the other two co-accused, the Court is informed that the role of all the accused persons is same in this case. The charges against all accused are under same sections.
6. The learned counsel for the petitioner submits that the petitioner is in an accused in another case. However, he is on bail in that case since the year 2016.
7. In view of the fact that identically paced co-accused have been granted bail, he too is granted bail for the same reasons and in terms of the order dated 10.12.2019 in Bail Application Nos. 2041/2019 and 2223/2019. However, since the circumstances have altered in the last

six months because of the pandemic lockdown, the petitioner shall be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- to the satisfaction of the Jail Superintendent. The other conditions shall remain intact.

8. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send a copy of this order by email to the Jail Superintendent concerned, for compliance.
9. The next date of 16.06.2020 stands cancelled.
10. The petition stands disposed-off in the above terms.
11. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsel through email.

NAJMI WAZIRI, J

MAY 22, 2020/KB/RW