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

+ **BAIL APPLN. 3154/2024**

ABHISHEK KUMAR

.....Petitioner

Through: Mr.Rohan Gupta, Mr.Anoop
Kr.Gupta and Ms.Gunjan Gupta,
advts.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Priyanka Dalal, APP for the State.
SI Vinod Kumar, PS IGI Airport

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

14.10.2024

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1. Present petition has been filed seeking grant of regular bail in case FIR no.0360/2023 registered under Section 364/394/34 IPC at PS I.G.I. Airport.
2. Learned counsel for the petitioner submits that the co-accused in the present case namely Hemant @ Maninder and Aman Kumar have already been admitted to bail. He also states that the charge sheet has been filed and trial may take time, therefore, the present petitioner may be admitted to bail.
3. The State has vehemently opposed the bail application. The case culled by the prosecution is that the co-accused Hemant had contacted the complainant and called him to Delhi. On 19.06.2023, the complainant came to Delhi and was picked by the co-accused Hemant from



Terminal-2, IGI Airport in a car. It has been alleged that one more accused was already present in the car and two more persons boarded the car near Aerocity. On the way, the accused persons gave beatings to the complainant and demanded money and other belongings. Thereafter, near police picket, the complainant raised alarm and the police intercepted the car. The co-accused Maninder @ Monu @ Rahul @ Hemant and Aman Kumar were apprehended on the spot and other two co-accused persons including applicant managed to flee from there.

4. It is the case of the prosecution that in fact the petitioner had booked the car in which the complainant was abducted. Learned APP has submitted that the petitioner was duly identified by the complainant during the TIP proceedings. He also stated that the petitioner was absconding during the investigation and was declared proclaimed offender for which the offence under Section 174 A has also been added. Learned APP submits that the conduct of the present petitioner does not entitle him to be released on bail.
5. The criteria for grant of bail in heinous offences are very well settled. The consideration to be taken into account while grant of regular bail are the nature and gravity of the respondent's accusations and the antecedents of the applicant, possibility of the Applicant to flee from justice, the possibility of threatening and intimidating the witnesses and other circumstances. However, it is a settled rule that the Court at the stage of the bail cannot hold mini trials and has to only see the *prima facie* case as produced by the prosecution.
6. The fact of the present matter is that the investigation in the present



case has already been completed and chargesheet has been filed. Further, the petitioner is stated to be in custody since 27.04.2024.. The co-accused Hemant who had in fact met the complainant and took him in the car has already been admitted to bail. The role attributed to the present petitioner is that he had booked the car in which the complainant was allegedly abducted.

7. In the peculiar facts and circumstances and taking into account the fact that there are no criminal antecedents, the petitioner is admitted to regular bail upon furnishing a personal bond of Rs. 15,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the verification of address and providing his mobile number(s) and subject to the following further conditions:
 - (i) the petitioner shall regularly appear before the Court as and when the trial is proceeded;
 - (ii) the petitioner shall not directly or indirectly make any inducement, threat, intimidate or tamper with any person acquainted with the facts of the case;
 - (iii) the petitioner shall remain available on the address, to be given to the IO and shall not leave the country without the permission of the learned Trial Court;
 - (iv) the petitioner shall further remains available on the mobile number provided;
 - (v) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.
8. With the above directions, the application is disposed of.



9. A copy of this order be sent to concerned Jail Superintendent for information and necessary compliance.

DINESH KUMAR SHARMA, J

OCTOBER 14, 2024

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