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

+ **BAIL APPLN. 3188/2024**

AMIR SIDDIQUI

.....Petitioner

Through: Mr. Braj Kishore, Mr. Deepak
Chhikara and Mr. Akbar Ali, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for State
ASI Rajender Kumar, PS North
Avenue.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.09.2024

1. By way of present application, the petitioner/applicant seeks regular bail in FIR No. 063/2023 registered under Sections 365/395/397/412/120B IPC at P.S. North Avenue, New Delhi.
2. Learned counsel for the applicant contends that there is an inordinate delay in registration of the FIR. It is argued that the prosecution case is full of material discrepancies and is highly improbable considering that no eye-witness has been cited. Further, the case is not even supported by any CCTV footage. In addition, learned counsel for the applicant also states that the alleged weapon and vehicle used in the commission of the offence have also not been recovered. He lastly argues that co-accused have also been released on bail and that the charges in the present case already stand framed.
3. Bail application is opposed by the learned APP for the State who has placed a status report on record. A perusal of the same that the present case pertains to an incident of kidnapping and extortion which occurred on



08.08.2023. The statement of the complainant reveals that he befriended one *Neha Khan* on Instagram whereafter she called him to meet at Nizamuddin. At the place of meet, the present applicant came and gave a blow to the victim on his head. Subsequently more men came, threatened the victim with a gun, forcibly snatched his phone and withdrew Rs 4.5 lacs from his bank account and Paytm wallets. The applicant along with another accused then went to the residence of the victim from where they took Rs 2 lacs.

Ld. APP has stated that during interrogation, the applicant revealed that he hatched the present conspiracy along with a goon namely *Mannan* as the victim was not paying his dues of Rs 2 lacs. Ld. APP has further placed reliance on the statement of the complainant recorded under Section 164 Cr.P.C and CDR connectivity in support of his case. Ld. APP further informs that the trial is at the stage of prosecution evidence and that the complainant is yet to be examined.

4. I have heard the learned counsels for the parties and perused the material placed on record.

5. As per the Status Report placed on record, in pursuance of the complaint registered on 08.08.2023, the applicant along with one *Alok Singh* were arrested on 09.08.2023. During interrogation, the applicant revealed that the complainant was not paying back his dues of Rs 2 lacs, hence he called the complainant to Nizamuddin with the help of a girl and kidnapped him. Subsequently they took him to a room and tortured him, whereafter the complainant disclosed that he had kept Rs 2 lacs at his residence in four packets. Thereafter, the applicant alongwith co-accused *Alok Singh* went to the complainant's residence and took the four packets which were kept in his almirah. During investigation, an amount of Rs 25130/- and Rs 47000/-



were recovered from the residences of the applicant and the co-accused Alok Singh respectively.

It is also observed that the complainant has made specific allegations against the applicant which have been reiterated in his statement recorded under Section 164 Cr.P.C. A further perusal of the Status Report would show that the CCTV footage dated 08.08.2023 collected from SNESAN, C-75, 3rd Floor, Shivalik, Corner Market, Malviya Nagar, New Delhi was shown to the complainant. On viewing the same, the complainant identified the car in the footage to be the same car in which he was forcibly seated from Nizamuddin and further identified the applicant as the boy wearing the blue T-shirt. The complainant's version is also supported by CDR connectivity that revealed the location of the mobile of the complainant to be in the same place i.e., in Shivalik, Malviya Nagar, New Delhi. The nominal roll of the applicant has also been placed on record which reveals that the applicant has been previously involved in incidents of similar nature.

6. Considering the totality of facts and circumstances and the specific allegations made against the present applicant, the gravity of the offence and the fact that trial is at the stage of prosecution evidence where the complainant has not been examined, this Court finds no ground to entertain the present bail application at this stage and the same is dismissed.

7. The petition is disposed of in the above directions.

MANOJ KUMAR OHRI, J

SEPTEMBER 11, 2024/js