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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 434/2024**
VIKAS KUMARPetitioner
Through: Ms. Ambika and Mr. Lucky
Upadhyay, Advs.

versus

STATERespondent
Through: Mr. Aman Usman APP for the State
with SI Abodh Kumar and SI Rajesh
Sharma, PS Karawal Nagar.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA
ORDER
% **23.08.2024**

1. An application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for grant of regular bail in FIR No. 68/2017 under Section 363 IPC registered at P.S.: Karawal Nagar. Chargesheet has been filed under Sections 363/364A/302/201/34 IPC.
2. In brief, as per the case of prosecution, FIR was registered on complaint of Sharvan Kumar Mishra (complainant) who informed that his son Andaj aged about 7 years was kidnapped by unknown persons. On 23.02.2017, during course of investigation, a ransom call demanding Rs. 2,50,000/- was received by brother of complainant. CDRs of mobile phone were obtained and as a result, accused Aryan @ Laxman was arrested who disclosed that child had been kidnapped alongwith co-accused Vikas (petitioner) and dropped alive in Yamuna River. The body of the child was recovered on



26.02.2017, at the instance of both the accused.

3. Learned counsel for the petitioner submits that petitioner is in custody for a period of about five years and there is no specific evidence against the petitioner suggesting his participation in the crime. He further submits that petitioner has been arrested only on the basis of disclosure statement of co-accused Aryan @ Laxman.
4. On the other hand, application is opposed by learned APP for the State and he submits that body of the deceased was recovered at the instance of both the accused from Yamuna River. He further points out that mobile phone from which ransom call was made had also been recovered. It is informed by learned APP that trial is at its fag end wherein 27 out of 29 witnesses, have been examined.
5. Considering the totality of facts and circumstances, since the body of the deceased who was merely aged about 7 years at the time of commission of offence was recovered at the instance of both the accused (including the petitioner) in the presence of PW-3, no grounds for bail are made out. Application is accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 23, 2024

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