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

+ **BAIL APPLN. 3677/2025**

**SHIV@CHANDERPAL@CHHOTE**

.....Petitioner

Through: Mr. Gajraj Singh, Ms. Sakshi  
Sachdeva, Ms. Ritika and Ms.  
Ayushi, Advs.

versus

**THE STATE NC TOF DLEHI**

.....Respondent

Through: Mr. Aashneet Singh, APP for State  
with SI Prashant PS Prashant Vihar,  
Rohini.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**05.12.2025**

1. The present petition has been filed seeking regular bail in connection with FIR No. 10/2020 under Sections 365/364A/302/396/201/120B/174A/34 IPC registered at PS Prashant Vihar, Delhi.

2. The case of the prosecution is that the accused persons namely, Vinod Kumar, Sandeep, Sunny and Monu were known to each other and were facing financial constraints due to less income. Hence, they made a plan to extort money from any financially sound person who can easily fall prey to their evil design. Hence, the name of the deceased was finalized by them who was known to one of the accused persons namely Vinod Kumar, as the



deceased had done his LIC Policy. To accomplish their evil design, they arranged one fake driving license in the name of Amit and obtained two mobile numbers.

3. All the accused persons including the present petitioner decided that they will only use the fake mobile number in order to communicate with each other and will not use their personal mobile phone numbers while committing the said crime in question.

4. Thereafter, on 03.01.2020, the accused person namely, Vinod called the deceased on his mobile phone and desired to meet him on the pretext of getting the LIC policy and called him at Nangloi Metro Station on 04.01.2020 and thereafter all the accused persons switched off both the phone having fake mobile numbers. The accused persons involved one more person namely, Sanjay, who used to work at Mohan DJ Godown in Dariyapur, in this conspiracy.

5. The deceased reached at the Nangloi Metro Station on 04.01.2020 and according to the plan, the accused Vinod took the deceased at Mohan DJ Godown, where all the accused persons also reached but in the meantime, the owner of the Mohan DJ Godown, Dariyapur namely, Sh. Hitesh Bhardwaj came there and started making enquiry. On this the accused persons got suspicious and changed their plan thinking that it is not a safe place to keep kidnapped person and they did not commit any overt act and let the deceased go.

6. Thereafter, on 05.09.2020 they again made a plan to kidnap the deceased from Noida and for this purpose, the present petitioner was involved, who was local resident of Noida, UP and arranged the place for keeping the kidnapped person and was conversant with the area, to facilitate



the commission of crim. The accused Vinod again called the deceased and asked him to come Noida at the last metro station in the morning on 06.01.2020, where he was kidnapped by the accused persons and they had demanded a sum of Rs. 25 Lacs from the deceased for his life but deceased failed to fulfil their demand. Thereafter, the accused persons took him to remote area in car and brutally murdered him.

7. Ms. Sakshi Sachdeva, learned counsel appearing on behalf of the petitioner submits that the present case is not a case based on eye-witness account, but is based on circumstantial evidence.

8. She submits that one of the incriminating circumstances which have been pressed into service is the disclosure statement of the co-accused.

9. She submits that the prosecution has also placed reliance on the recovery allegedly made from the petitioner in the form of yellow hand bag, which is stated to have been identified by the wife of deceased. She contends that recovery can only be used for the purpose of corroboration.

10. She submits that as per prosecution case, the petitioner was not present on 04.01.2020 when the deceased was called to Mohan DJ Godown and thus, he had no involvement the conspiracy hatched between co-accused prior thereto.

11. She further contends that in the present case total 06 persons have been arraigned as accused, and 04 co-accused who are similarly situated, have already been granted bail.

12. Elaborating on her submissions she submits that following co-accused have already been granted bail by this Court:

(i) Vinod *vide* order dated 29.08.2025, passed in BAIL APPL. 1828/2025,



- (ii) Sanjay *vide* order dated 03.07.2023 passed in BAIL APPL. 1601/2021,
- (iii) Monu Sharma *vide* order dated 08.04.2025 passed in BAIL APPL. 4786/2024, and
- (iv) Sunny @ Adarsh *vide* order dated 09.05.2025 passed by learned Additional Sessions Judge.

13. On perusal of the status report, this Court finds that the role of above petitioner is rather subservient to the role of aforementioned co-accused, let alone it being similar, as the petitioner was allegedly involved by other co-accused only on 06.01.2020, after they could not execute their plan of abducting deceased and demanding ransom on 04.01.2020. As per the prosecution the initial conspiracy to execute the aforesaid plan was seemingly hatched prior to 04.01.2020 when the petitioner was not on the scene.

14. On a specific query posed by the Court, even Mr. Aashneet Singh, learned APP appearing on behalf of the State, on instructions from the IO, who is present in Court, states that the role of the present petitioner is almost similar to the co-accused persons already enlarged on bail.

15. As regards, recovery of bag of the deceased from the petitioner, at this stage suffice it to say that recovery can be used only for corroboration, and it is not a substantive piece of evidence. Further, there is no direct evidence to substantiate the role of the petitioner. The case of the prosecution only hinges on circumstantial evidence.

16. It is borne out from the nominal roll placed on record that the petitioner has already been incarcerated for 04 years and 07 months approximately. The prosecution has cited 36 witnesses out of which only 09



witnesses have been examined till date.

17. In the given circumstances, it will not be appropriate to keep the petitioner in custody for indefinite period to await the outcome of trial which is likely to take long time.

18. Insofar as other cases stated to have been registered against the present petitioner, this Court notices that all these cases are of the year 2019 and 2020 and the same are under Section 379 IPC; Sections 379/411 IPC and Section 25(a) Arms Act, in which the petitioner is stated to be on bail. Even otherwise, involvement in other cases cannot be the sole ground to deny bail.

19. Insofar as the availability of the petitioner during trial or at the time of receiving punishment in the event of conviction, the same can be ensured by putting conditions on the petitioner.

20. Accordingly, the petitioner is admitted to bail, on his furnishing a personal bond of Rs.25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject to the following conditions:

- (i) The applicant shall not leave India without prior permission of the learned Trial Court.
- (ii) The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- (iii) The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- (iv) The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.



(v) The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.

21. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.

22. The application is disposed of.

23. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.

24. Order *dasti* under signatures of the Court Master.

**VIKAS MAHAJAN, J**

**DECEMBER 5, 2025**

**N.S. ASWAL**