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

+ **BAIL APPLN. 3718/2025**

SANDEEP

.....Petitioner

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

versus

THE STATE NCT OF DELHI

.....Respondent

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

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

**ORDER
05.12.2025**

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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 (petitioner herein), 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 do 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. 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. Further, recovery of gold chain and locket of the deceased was also made at the instance of the petitioner.

9. 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.

10. Elaborating on her submission, 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.



11. On perusal of the status report, this Court finds that the role of above petitioner is similar to other co-accused mentioned above. All of them, except Sanjay, had hatched the conspiracy to abduct deceased and demand ransom. Co-accused Sanjay was involved later before an abortive attempt was made to execute the aforesaid plan on 04.01.2020. Co-accused Shiv came on the scene on 06.01.2020 when the crime was actually committed.

12. 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, fairly states that role of the present petitioner is almost similar to the co-accused persons already enlarged on bail, except that there are other cases against the present petitioner.

13. As regards, recovery of gold chain and locket of the deceased at the instance of 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.

14. It is borne out from the nominal roll placed on record that the petitioner has already been incarcerated for 05 years and 10 months approximately. The prosecution has cited 36 witnesses out of which only 09 witnesses have been examined till date.

15. In the given circumstances, when all similarly situated co-accused have been enlarged on bail, 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.

16. Insofar as other cases stated to have been registered against the present petitioner, this Court notices that there are five other cases registered



against the petitioner. Four out of five cases are of the years 2013 to 2015, and one case is of the year 2021. The law is well settled that involvement in other cases cannot be the sole ground to deny bail.

17. The availability of the petitioner during trial or at the time of receiving punishment in the event of conviction, can be ensured by putting conditions on the petitioner.

18. 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.

19. 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.

20. The application is disposed of.



21. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
22. Order *dasti* under signatures of the Court Master.

VIKAS MAHAJAN, J

DECEMBER 5, 2025
N.S. ASWAL