



2025:DHC:11692



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: December 19th, 2025

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BAIL APPLN. 4511/2025, CRL.M.A. 34857/2025 & CRL.M.A. 34858/2025**SURESH CHANDER**

.....Applicant

Through: Mr. Pradeep Teotia,
Mr. Jitendra Bakshi & Mr.
Lakshay Teotia, Advs.

versus

STATE G.N.C.T OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State
SI Vishvendra Malik, PS-
Mandawali**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present application is filed seeking grant of bail in FIR No. 698/2021 dated 10.12.2021, registered at Police Station Mandawli Fazal Pur, for offences under Sections 365/384/506/411/34 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959.

2. Briefly stated, it is the case of the prosecution that on 09.12.2021, at about 1:45 PM, three persons abducted the complainant from Shivaji Stadium Parking, New Delhi for the purpose of ransom by falsely impersonating as CBI Officers. In pursuance of their conspiracy, the accused persons, including the applicant, took the complainant in their car and threatened to implicate the complainant in false cases. The accused persons

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allegedly confined the complainant in car till 7PM and demanded a sum of ₹10 lakhs as ransom. The complainant's wife arranged a sum of ₹5 lakhs and handed over the same to the accused persons while promising to pay the remaining amount on the next day, which led to the complainant being released. On the next day, when the complainant and his wife were going to report the matter, they noticed the car used in the office and informed police.

3. The applicant was allegedly driving the car at that time. Although the applicant tried to flee, he was apprehended by police and one desi *katta* and two live rounds along with ₹4 lakhs of ransom money were recovered from the car.

4. The learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case.

5. He submits that the allegations are manifestly improbable and it is apparent that the applicant has been implicated due to prior acrimony in relation to some financial transaction between the accused persons and the complainant. He submits that the testimony of the complainant suffers from material deficiencies and does not inspire confidence.

6. He submits that the trial is still at the stage of prosecution evidence and around 15 out of 23 listed prosecution witnesses are yet to be examined.

7. *Per contra*, the learned Additional Public Prosecutor for the State vehemently opposes the grant of any relief to the applicant. He submits that the allegations against the applicant



are grave in nature and the complainant as well as his wife have substantively supported the case of the prosecution in their testimony. He submits that charges have been framed against the applicant for the offence under Section 364A of the IPC, which is punishable with death or imprisonment for life.

8. I have heard the counsel and perused the record.

9. It is settled law that the Court, while considering the application for grant of bail, has to keep certain factors in mind, such as, whether there is a *prima facie* case or reasonable ground to believe that the accused has committed the offence; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of the accused absconding or fleeing if released on bail; reasonable apprehension of the witnesses being threatened; etc.

10. However, prolonged incarceration as an undertrial militates against the right to life and personal liberty guaranteed under Article 21 of the Constitution, and is also a factor which has to be kept in mind at the time of deciding the question of grant or refusal of bail.

11. In the present case, serious allegations of extortion and abduction for ransom have been made against the applicant.

12. It is argued on behalf of the applicant that the manner in which the applicant was arrested reflects the improbability of the allegations. Certain aspersions are also sought to be cast on the credibility of the complainant and his wife. It is further the defence of the accused that the allegations are solely based on the statement of the complainant without any corroboration.



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13. While the probative value of the material on record and effect of any infirmities in evidence will be seen during the course of trial, ppertinently, the applicant has been in custody since 16.12.2021, despite which, fifteen out of twenty-three prosecution witnesses are yet to be examined.

14. The Hon'ble Apex Court in the case of ***Union of India v. K.A. Najeer*** : AIR 2021 SC 712 held that once it is obvious that a timely trial would not be possible, and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge them on bail.

15. While it cannot be denied that the offence alleged against the applicant is heinous in nature, the Hon'ble Apex Court in the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another***: Crl.A.2787/2024 has observed as under:

"19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be."

16. Although it is stressed that the applicant is facing trial for the offence under Section 364A of the IPC which is punishable with death or imprisonment for life, at this stage, when the applicant has already spent substantial period in custody as an undertrial and the trial is unlikely to conclude in the near future,

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keeping him in further incarceration would only result in the denial of his fundamental right to life.

17. The object of jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. delay in the completion of the trial.

18. However, appropriate conditions ought to be put to allay the apprehension of the applicant tampering with the evidence or evading the trial.

19. The applicant is also stated to be of clean antecedents and is thus not likely to commit any offence whilst on bail.

20. In view of the above, this Court is of the opinion that the applicant is entitled to bail on the ground of delay in trial. The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹25,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;

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- d. The applicant shall provide the address where he would be residing after his release to the concerned IO/SHO and shall not change the address without informing the concerned IO/SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO and shall keep her mobile phone switched on at all times.

21. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

22. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

23. The bail application is allowed in the aforementioned terms. Pending applications also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 19, 2025
“SS”