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

+ **BAIL APPLN. 4681/2024**

SHARAD SHARMA THROUGH PAROKAR MAHENDER GIRI

.....Petitioner

Through: Mr. Naman Sharma, Mr. Shuvam Shivam, Mr. Pawan Singh Rawat, Mr. Sidharth Barua, Ms. Amisha Priyadarshi, Mr. Sangeet Surendran, Advocates

versus

GOVERNMENT OF N.C.T. OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the State with SI Naveen Kumar, PS Madhu Vihar, SI Lalit Kumar, PS Maurice Nagar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.08.2025

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1. The present application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 117/2018 dated 30th April, 2018, registered under Section 364A of the Indian Penal Code, 1860³ at P.S. Madhu Vihar, Delhi. Upon completion of investigation, a chargesheet has been filed for commission of offences

¹ "BNSS"

² "CrPC"

³ "IPC"



under Sections 364A, 328, 343, 346, 347, 386, 392, 397, 411 and 34 of IPC.

Factual Matrix

2. Briefly stated, the case of the prosecution, is as follows:

2.1. On 29th April, 2018, at about 11:25 PM, a PCR call was received at P.S. Madhu Vihar from Mr. Ikramuddin (the Complainant), reporting that his relative, Pappu (the victim), had been kidnapped from Anand Vihar ISBT. He stated that, at around 10:44 PM, the victim's brother, Imran, had received a call from unknown persons using the victim's phone, demanding INR 10,00,000/- as ransom and threatening to kill the victim if the demand was not met. Based on the Complainant's statement, an FIR was registered. Despite searches, the victim's whereabouts could not be traced. During investigation, the IO was informed that Imran had received a WhatsApp video showing the victim in an apparently sedated/intoxicated state, with the kidnappers reiterating their ransom demand.

2.2. On 7th May, 2018, the victim appeared at P.S. Madhu Vihar with his family and gave a detailed statement. He recounted that on 28th April, 2018, at about 5:00 PM, he left his village, Papsera, Ahmora District, U.P., intending to board a train from Nizamuddin Railway Station, Delhi, the following morning to travel to Mumbai for work at his brother's shop. Upon arrival in Delhi, he visited his friend Saabir in Kabir Nagar for dinner and left around 11:00 PM for Anand Vihar. While waiting at the Anand Vihar Petrol Pump Bus Stand for a bus to Nizamuddin, a man aged 30-35, carrying a black bag, initiated a conversation with him. Shortly thereafter, another man joined them. A vehicle soon stopped, and the driver enquired about their destination. Both men replied "Nizamuddin" and indicated that the victim was also heading there. They agreed to pay INR 20/- each as fare,



and all three sat in the back seat, with the victim in the middle.

2.3. En route, the driver unexpectedly turned towards EDM Mall. When questioned by the victim, the driver claimed he was avoiding traffic. At this point, the man with the black bag drew a knife and pressed it to the victim's stomach, while the driver handed a pistol to the other man in the back seat. They threatened to kill him if he raised an alarm and demanded his bank account details, identification, ATM card, and PIN. Out of fear, the victim handed over his bag and disclosed his ATM PIN. They also took his brother's phone number, his own phone, and INR 1,500/- in cash. He was then given a drink that caused him to lose consciousness. Upon regaining consciousness, he found himself bound hand and foot and lying under a bed. The kidnappers recorded a video of him. After several days, they blindfolded him, gave him INR 500, and told him they were releasing him. He was then left near the Uttar Pradesh border.

2.4. On 8th May, 2018, the investigation was handed over to SI Lalit. Examination of the victim Pappu's bank account revealed that a total of INR 2,40,000/- had been withdrawn by the accused from various ATMs in Delhi and U.P. Notices were issued to concerned banks to obtain CCTV footage of the relevant ATM transactions. On 1st June, 2018, P.S. Sihani Gate, Ghaziabad, U.P., informed that three individuals, Sharad Sharma (the Applicant), Rinku, and Mahesh Mishra, had been arrested in case FIR No. 1011/2018. Further, they had disclosed that about a month earlier, they had kidnapped the victim from Anand Vihar ISBT. Production warrants were obtained, and the Applicant was formally arrested on 23rd June, 2018.

2.5. During interrogation, the Applicant admitted to kidnapping the victim, confining him for 7-8 days, and withdrawing INR 2,40,000/- from his



account using his ATM card. At the Applicant's instance, a brown purse belonging to the victim, containing his PAN card, voter ID card, and Aadhaar card, was recovered near Meenakshi Hospital, Kaushambi. The recovered articles were correctly identified by the victim during judicial TIP. The three accused were also identified by the victim while in custody at the police station.

2.6. Upon completion of investigation, a chargesheet was filed against all the three accused. A supplementary chargesheet was later filed after the victim's brother, Imran, joined the investigation, produced a CD containing the ransom video sent *via* WhatsApp, and gave a separate statement. To date, 12 prosecution witnesses have been examined, and the matter is presently at the stage of prosecution evidence.

Contentions of the Applicant

3. The counsel for the Applicant advances the following submissions in support of the prayer for regular bail:

3.1. The Applicant has been falsely implicated. The investigation has already culminated in the filing of the chargesheet and the supplementary chargesheet. In these circumstances, the Applicant's continued incarceration serves no fruitful purpose and would amount to punitive pre-conviction detention. The Supreme Court has repeatedly emphasised that the primary object of bail is to secure the appearance of the accused at trial, and not to inflict pre-trial punishment.

3.2. The prosecution's case rests on an inherently false premise. The Complainant approached the police station after an unexplained delay of two days, and the entire investigation appears to have been conducted on the basis of statements of the victim's parents, who never formally joined the



investigation.

3.3. The device allegedly used to record and transmit the ransom video to the victim's brother, Imran Khan, *via* WhatsApp was never seized or sent for forensic analysis. Instead, only a CD handed over by Imran Khan has been placed on record. Furthermore, the CCTV footage relied upon by the prosecution carries no evidentiary weight as the mandatory steps to establish its authenticity have not been undertaken.

3.4. No substantive recovery is attributed to the Applicant. The alleged recovery of a brown purse belonging to the victim has been planted on him. The defence points to material irregularities and inconsistencies in the prosecution's case, contending that they substantially weaken the prospects of conviction.

3.5. The Applicant is neither a flight risk nor in a position to evade the process of law. Appropriate conditions may be imposed to ensure his presence during the course of trial. With the investigation concluded and chargesheets filed, the possibility of tampering with evidence or influencing the investigation is virtually non-existent.

Contentions of the State

4. On the other hand, Mr. Mukesh Kumar, APP for the state, strongly opposes the present bail application and submits as follows:

4.1. The Applicant is implicated in a grave and heinous offence involving forcible abduction of the victim, his prolonged unlawful confinement, threats at gunpoint, extortion of INR 2,40,000/- from his bank account, and the making and circulation of a ransom video. The seriousness of the offence weighs heavily against granting bail.

4.2. The assertion of false implication is countered by the evidence



gathered during investigation. This includes the recovery, at the Applicant's instance, of the victim's purse containing his PAN card, voter ID card, and Aadhaar card, as well as the victim's positive identification of the Applicant and co-accused while they were in police custody.

4.3. The alleged "irregularities" cited by the Applicant, such as the delay in lodging the FIR or non-seizure of the original device containing the ransom video, at this stage are insufficient to erode the prosecution's case. The victim's prompt statement after his release, the recovery of stolen property, and the withdrawal of substantial sums from his account through ATMs in Delhi and U.P., all corroborate the prosecution's version.

4.4. The prosecution has already issued notices to the concerned banks to obtain the relevant CCTV footage from the ATMs where the withdrawals were made, and any questions regarding its admissibility or authentication shall be addressed during trial.

4.5. The gravity of the offence, coupled with the manner in which it was executed, involving premeditation, armed intimidation, prolonged unlawful detention, and substantial monetary extortion, creates a reasonable apprehension that, if enlarged on bail, the Applicant could influence witnesses, including the victim and his family, or tamper with the evidence.

Analysis

5. The Court has considered the aforementioned submissions. While the Applicant's reliance on the settled principle that the primary purpose of bail is to secure the accused's presence during trial is correct, it bears equal emphasis that, in matters involving grave and serious offences, judicial discretion in granting bail must be exercised with circumspection.

6. In the present case, the allegations are of a grave and heinous nature,



involving the kidnapping of the victim for ransom, his unlawful confinement for several days, threats at gunpoint, the withdrawal of INR 2,40,000/- from his bank account, and the creation and circulation of a ransom video. The victim has deposed in Court, specifically identifying the Applicant, and has narrated the incident with clarity and coherence. Significantly, there has been no cross-examination of this witness by the Applicant. At this stage, the Court is required only to form a *prima facie* view of the matter and not to weigh the evidence with the rigour reserved for trial, as doing so would effectively convert bail proceedings into a mini-trial⁴. Returning any findings on the testimonies of the witnesses, at this stage, may prejudice the case of either of the parties.

7. The victim's account *prima facie* finds corroboration by the recovery, at the Applicant's instance, of his purse containing the PAN card, voter ID, and Aadhaar card, each of which was duly identified during judicial TIP proceedings. The prosecution further asserts that the Applicant accompanied the victim to multiple bank ATMs from which withdrawals totalling INR 2,40,000/- were effected during the period of his captivity, which transactions stand confirmed. In addition, the CD handed over by Imran Khan to the Investigating Officer, containing the relevant video footage, has been seized and forwarded for forensic examination, with the report awaited. While the Court refrains, at this stage, from commenting on the evidentiary worth of such footage, the other material noted above *prima facie* suffices to implicate the Applicant in the offences alleged.

8. Therefore, having regard to the totality of circumstances, the gravity

⁴ See: *Brijmani Devi v. Pappu Kumar & Anr.*, (2022) 4 SCC 497 and *Mahipal v. Rajesh Kumar @ Polia*, 2020 (2) SCC 118.



of the offence, the nature of the allegations, the evidence collected during investigation, and that which has come on record during trial, the Court finds no ground to grant the relief of bail sought by the Applicant.

9. Accordingly, the present application is dismissed.

10. However, it is noted that only 8 witnesses have been examined thus far, and that as per nominal roll as on 14th January, 2025, the Applicant has already undergone incarceration for a period of 6 years, 6 months and 22 days, therefore, the Trial Court is requested to conclude the trial, as expeditiously as possible.

SANJEEV NARULA, J

AUGUST 7, 2025

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