

Vijay vs State (Nct Of Delhi) on 4 January, 2022

Author: Mukta Gupta

Bench: Mukta Gupta

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 3591/2020
VIJAY

..... Petitioner

Represented by: Mr. Amit Alok and Mr. Gaurav
Prakash, Advocates.

Versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. G.M.Farooqui, APP for the State
with SI Deepak, PS Alipur.

+ BAIL APPLN. 1539/2021
KUNDAN YADAV

..... Petitioner

Represented by: Mr. Archit Kaushik, Advocate.

Versus

STATE OF NCT OF DELHI

..... Respondent

Represented by: Mr. G.M.Farooqui, APP for the State
with SI Deepak, PS Alipur.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA
ORDER

% 04.01.2022 The hearing has been conducted through Video Conferencing.

1. By these petitions, the petitioners seek regular bail in case FIR No.14/2016 under Sections 363/365/368/370/372/346/310/120B/34 IPC registered at PS - Alipur.

2. Learned counsels for the petitioners contend that besides the disclosure statement, there is no evidence against the petitioners. The main BAIL APPLN. 3591/2020 & 1539/2021 Page 1 of Signed accused who allegedly bought the kidnapped the child and from whom the child was recovered has already been granted regular bail by this Court noting that public witnesses and material witnesses have been examined and the remaining witnesses are police officials. The petitioners have been in custody since February, 2016 without any interim bail on HPC Guidelines. Given the present situation, trial is likely to take some time. Even if the petitioners are convicted, the maximum sentence that can be imposed on them is imprisonment for a period of ten years and the petitioners have already undergone nearly 5 years 11 months of imprisonment.

3. The above noted FIR was registered on the complaint of one Rinki, who stated that on 4th January, 2016, she was playing with her son 'G' aged 9 months at Sector B-2, Narela. In the meantime, two persons came on a motorcycle, lured the complainant for the baby so that they could

play with the child. On the pretext of playing with the baby, they kidnapped the child and ran away from the spot.

4. During the course of investigation, on 4th February, 2016, eight accused persons were arrested, namely, Hemant, Rakesh, Kundan, Poonam, Anchal Jain @ Sonu, Anita, Raju Paswan and Vijay in another FIR being FIR No.50/2016 dated 2nd February, 2016, wherein a similar modus operandi was adopted.

5. According to the case of the prosecution, the two accused who used to lure and kidnap the child were Hemant and Rakesh and rest of the accused were those allegedly involved in the transactions based on the disclosure statements.

6. During the investigation, it was revealed that after Hemant and Rakesh picked up the child in a planned manner in conspiracy with the other BAIL APPLN. 3591/2020 & 1539/2021 Page 2 ofSigned co-accused, the child was finally sold to Vikrant Verma through Bhupender Kumar @ Dr. Gaurav. The child was recovered from the possession of Vikrant Verma and duly identified by the complainant.

7. As per the disclosure statements, after the child was kidnapped by Rakesh and Hemant, they handed over the child to Kundan, who took the child to his home and handed over to his mother-Poonam. They kept child at their home for that night and on next day, Kundan and Poonam gave the child to one Anchal Jain and his wife Anita Jain. At Anchal Jain's house, Kundan and his mother also met Vijay and Raju Paswan and thus, the allegations of Vijay and Kundan being involved in the crime.

8. Charge was framed against the petitioners vide order dated 7 th January, 2017 and till date, six witnesses have been recorded, the last being on 2nd November, 2019, out of the 31 witnesses required to be examined in the above noted FIR.

9. Vikrant Verma was granted regular bail by this Court in Bail Appln. 1868/2019 vide order dated 19th September, 2019 observing that all public witnesses who are material have been examined and only official witnesses remain to be examined.

10. Considering the fact that the trial is likely to take some more time and out of 31 witnesses only 6 witnesses have been examined and the material witnesses have already been examined before the Court, this Court deems it fit to grant regular bail to the petitioners.

11. It is, therefore, directed that the petitioners be released on bail on their furnishing personal bond in the sum of 50,000/- each with one surety bond each of the like amount subject to the satisfaction of the learned Trial Court/ CMM concerned, further subject to conditions that the petitioners will not BAIL APPLN. 3591/2020 & 1539/2021 Page 3 ofSigned leave the country without the prior permission of the Court concerned and in case of change of residential address and/ or the mobile phone numbers of the petitioners, the same will be intimated to the Court concerned by way of an affidavit.

12. Petitions are disposed of.

13. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JANUARY 4, 2022 PB BAIL APPLN. 3591/2020 & 1539/2021 Page 4 of Signed