

IA no. 2/2026 in SC no. 17/2026
State Vs Foolan Srivas @ Santosh
FIR no. 1145/2025
U/s 137(2)/127(2)/143(4)/3(5) BNS
PS: Karol Bagh

11.02.2026

This is an application u/s 483 of the BNSS for grant of regular bail filed on behalf of the accused Foolan Srivas @ Santosh.

Present: Sh. Parvesh Ranga, Ld. Addl. PP for the State.

Sh. Nitesh Khatri, Sh. Uday Khatri and Sh. Sandeep Nain, Id.

Counsel for the accused Foolan Srivas.

IO SI Gurish Baalyan.

Reply filed. Taken on record. Copy be supplied.

Arguments heard.

It is submitted by Id. Counsel for the accused/ applicant that the accused/ applicant has been falsely implicated in the present case and is in JC since last more than four months. It is further submitted that no bail application of either the accused/ applicant or of any co-accused person is pending before Hon'ble High Court of Delhi or Hon'ble Supreme Court of India. It is submitted that there is nothing to connect the accused/ applicant with the offence in question. It is submitted that the accused/applicant was not instrumental in kidnapping of the child. It is submitted that there is no communication placed on record by the prosecution stating that the accused/ applicant was in touch with co-accused persons. It is submitted that co-accused Raju @ Rishi is a distant nephew of the accused/ applicant and he had kept the kidnapped child at the house of the accused for taking his care only. It is submitted that the said child was kept in a conducive environment and there is no allegation of him being abused in any manner. It is submitted

that the accused/ applicant did not have any means to pay the amount as alleged by the prosecution. It is submitted that the accused/ applicant had no knowledge about any such incident. It is submitted that the charge sheet has been filed and the accused/ applicant is not required for the purpose of investigation any more. It is submitted that the accused/ applicant belongs to a poor strata of the society and his family has come on the verge of starvation, in his absence. No purpose shall be served by keeping him behind bars. It is submitted that the accused/ applicant is a young boy having clean antecedents. It has been prayed that the application be allowed and the accused/ applicant be released on bail.

Per contra, Id. Addl. PP for the State has opposed the bail application citing the seriousness of the allegations and gravity of the offence. It is submitted that the accused/applicant played a pivotal role in the commission of the offence. It is submitted that there are clinching evidence against the accused/applicant and if enlarge on bail, he may abscond. It is prayed that the bail application be dismissed.

Considered.

The allegations against the accused/ applicant are quite serious that is of asking for a male child against a sum of money which he was willing to pay and in fact, paid a part amount after the kidnapped child was handed over to him by co-accused persons, one of whom, is his distant nephew. The kidnapped child was recovered from his possession at the instance of the co-accused persons and no cogent reason for keeping the child of such an age with himself, even for a shorter duration has been given on his behalf.

As per the IO, there is sufficient evidence in the form of CDR of the co-accused persons, the statements of the witnesses against the accused/ applicant and the recovery of the kidnapped child from his possession.

Moreover, IO has stated that the father of the infant is receiving phone calls from unknown numbers asking them to settle the matter. As such, the possibility of tampering with the evidences or influencing the witnesses cannot be ruled out. The bail applications of the co-accused Sahil, Raju @ Rishi and Sahil Kumar @ Anant have been dismissed as recently on 05.02.2026, 10.02.2026 and 11.02.2026 respectively.

Accordingly, keeping in view the overall facts and circumstances of the case, in particular, the nature of allegations and the evidence on record, I find no merits in the present application. As such, the same is hereby disposed off as dismissed.

Dasti to all concerned.

(Bhupinder Singh)
ASJ-05, Central District
Tis Hazari Courts, Delhi
11.02.2026