

Bail Matters 2207/2023, 2408/23
& IA. No. 1/23 in SC No. 699/2023
STATE Vs. **1. BRIJESH KUMAR**
2. PRADEEP
3. SANTOSH
FIR No.539 /2023
P.S. Adarsh Nagar
U/s 364A/323/34 IPC

06.11.2023

Vide this common order, I am disposing off the abovesaid three bail applications, having same facts.

These are three applications under Section 439 Cr.P.C. for grant of regular bail moved on behalf of applicants/accused persons.

Present:- Mr. Harvinder Nar, Ld. Additional PP for the State.

Mr. Sunil Tomar, Ld. Counsel for applicant/accused Brijesh Kumar.

Mr. Sharif Ahmed, Ld. Counsel for applicant/accused Pradeep.

Mr. Chetan Kumar, Ld. Counsel for applicant/accused Santosh.

IO/PSI Ramjee Singh is present.

I have heard the arguments on behalf of Ld. Counsels for applicants/accused respectively and the Ld. Addl. PP for the State.

1. Brief facts of the case are that on 11.07.2023 the complainant /son of the victim Raja Thakur lodged a complaint that the father Praveen Kumar Thakur aged 52 years who is a vegetable supplier in Azadpur Mandi was missing and that he

had got a ransom call by an unknown number demanding a sum of Rs. 2 lacs. That he alongwith his colleague namely Guddu went there but no one found at the location mentioned in the ransom call. Thereafter, the mobile number was kept on tracking where the victim and the police officials managed to reach the victim who alleged that the three accused persons had beaten him up and demanded ransom amount. That the accused took the victim on a scooty and made him captive in one of the rooms at a house near Krishan Sweets, Sanjay Nagar, Delhi. That all the accused gave the victim liquor and thereafter had beaten him mercilessly demanding the money. Accordingly, the present case had been registered under Section 364A/323/34 IPC.

2. Detailed arguments on behalf all the Ld. Counsels respectively have been advanced which were duly considered but are not being repeated herein for the sake of brevity. In nutshell, it had been argued that there was a money transaction in the course of business between the victim and the accused Brijesh Kumar and a sum of Rs. 1.8 lacs was due to be paid by the victim to the accused Brijesh Kumar. That accused Santosh and Pradeep have no role to play and have been falsely implicated. It is submitted by Ld. Counsels for applicants/accused that the applicants/accused are innocent persons and they have been falsely implicated in the present case as the victim wanted to evade his liability to repay the amount due towards the accused. It is further submitted that investigation has been completed, trial is pending before this court. It is prayed that a lenient view be taken.

3. On the other hand, Ld. Addl. PP for the State vehemently opposed the bail applications and argued that allegations against the applicants are serious in nature and if applicants are released on bail, they may threaten the witnesses and they may also jump the bail and prayer is made for dismissal of the bail applications.

4. Perused the record.

5. Facts of the present case are that on 11.07.2023 the complainant /son of the victim Raja Thakur lodged a complaint that the father Praveen Kumar Thakur aged 52 years who is a vegetable supplier in Azadpur Mandi was missing and that he had got a ransom call by an unknown number demanding a sum of Rs. 2 lacs. That he alongwith his colleague namely Guddu went there but no one found at the location mentioned in the ransom call. Thereafter, the mobile number was kept on tracking where the victim and the police officials managed to reach the victim who alleged that the three accused persons had beaten him up and demanded ransom amount. That the accused took the victim on a scooty and made him captive in one of the rooms at a house near Krishan Sweets, Sanjay Nagar, Delhi. That all the accused gave the victim liquor and thereafter had beaten him mercilessly demanding the money.

The telephonic conversation between the son of the victim/complainant Raja Kumar Thakur and the accused Brijesh Kumar and accused Praveen Thakur, transcription sheet of which

is attached at page No. 54 of the charge-sheet reveals that a sum of Rs. 1,80,000/- was to be paid to the accused Brijesh Kumar and accordingly a cheque was to be issued to which the complainant had agreed. The transcription suggests that friendly terms have been used by the complainant towards the accused while addressing them and the address of the accused as well as phone number was well known to the complainant. Thus, the arguments raised that there was a money transaction in the course of business between the victim and the accused Brijesh Kumar and a sum of Rs. 1.8 lacs was due to be paid by the victim to the accused Brijesh Kumar does not seem to be unfounded, although the same shall remain a matter of trial.

It is pertinent to note that there are allegations that a 52 years of old man was taken forcibly on a scooty but he does not raise any alarm which is an improbable behaviour. The IO has not recorded the statement of any public witness nor made any efforts to procure the CCTV footage of the crime.

There is no investigation done from the owner/landlord of the premises allegedly where the victim was confined by the accused persons. There was a mention of one Guddu who had accompanied the complainant but for reasons best known to the investigating agency even his statement is not recorded.

The accused persons are also doing the fruit business and the fact that they were merely demanding an outstanding payment from the victim who is also in the same business without any intention to seek ransom amount cannot be overruled given the aforesaid observations, although any conclusion of

finding in this regard shall await appraisal of evidence at the final stage and no findings are being given at this stage of bail, however, there is no previous involvement of the accused persons and investigation in the present case is already complete. Chargesheet has been filed and no further recovery is to be effected from the accused nor their custodial interrogation is required as per the submissions of the IO.

6. Taking a lenient view, applicants/accused persons **Brijesh Kumar, Santosh and Pradeep are hereby enlarged on bail on furnishing of bail bond for a sum of Rs. 50,000/- each with one surety each of the like amount, who is permanent resident of Delhi/NCR, to the satisfaction of concerned Ld. MM/Link MM/Duty MM** but subject to the following conditions:

- (a) The applicants/accused shall attend the court proceedings regularly.
- (b) That in case of change of their residential addresses, they shall intimate the Court about the same.
- (c) The accused shall not leave the country without prior permission of the Court.
- (d) The accused shall not indulge into similar offence in the event of release on bail.
- (e) *The applicants/accused shall not try to contact or influence the witnesses especially the victim and his family, in any manner, directly or indirectly.*

All three applications stand disposed off accordingly.

7. *It is clarified that nothing stated herein shall*

tantamount to an expression of opinion on the merits of the case.

8. Copy of the order be given *dasti* to the Ld. Counsels for the applicants/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules.

(Shefali Sharma)
Addl. Sessions Judge-02(North)
Rohini Courts Delhi
06.11.2023