

**IN THE COURT OF SH. ANIL ANTIL, ASJ-04, PHC, NDD, NEW
DELHI**

SC no 96/2018
FIR No. 02/2018
PS Crime Branch
u/s 302/34 IPC
State Vs. Rahul @ Sumit

27.10.2020.

**Proceedings conducted through Video Conference from
residence.**

This is bail application filed under Section 439 Cr. PC on behalf of the applicant/accused Rahul @ Sumit for grant of concession of regular bail to the applicant/accused, which is listed for today.

Present: Sh. Mukul Kumar, Id. Addl. PP for State.

Sh. Mukul Sharma, learned counsel for the applicant/accused.

Reply to the bail application already filed.

Medical status report filed today. Copy of the same provided to the learned counsel for the applicant/accused.

Heard and record perused.

It is argued by learned counsel for the applicant/accused that he has been falsely implicated ; is in judicial custody since 11.01.2018 ; is not named in the FIR ; falsely implicated by the police ; is a respectable citizen of the society and not involved in any other case crime.

It is further argued that prosecution has examined nine witnesses till date and no one has disclosed about the involvement of the applicant/accused in the case crime ; is suffering from Bronchial

Asthma and various other ailments ; urgent operation/surgery is required ; his family is at the verge of starvation due to pandemic Covid 19 ; is permanent resident of Delhi ; there is no chance of his absconding ; undertakes that he will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the court.

It is further argued that investigation qua him is complete, charge sheet has been filed and no useful purpose would be served by keeping him behind the bars ; and concession be granted to him by enlarging him on bail.

Learned counsel for the applicant accused submits that applicant/accused is ready and willing to abide by any term or condition, if imposed, while granting him bail and he also undertake that he will not abscond or flee from justice.

Per contra, bail application is strongly opposed by the learned Addl.PP for the State. It is argued by learned PP for the State that he is the master mind of the case crime, was the employee of the complainant/victim ; the result of voice sample received from FSL Rohini Delhi proved that the voice relates to accused Rahul, ransom note was also in his own handwriting and recovery of about Rs. 3.96 crores was effected by the police from the house at Modinagar Distt. Ghaziabad, UP belonging to his maternal aunt (maami) at his instance.

Learned Addl. PP for the state argued that so far as medical condition of applicant is concerned there is nothing on the status report to indicate that the disease as stated by the applicant/accused is life threatening or it requires immediate attention or surgery on emergent basis and he has been provided comprehensive treatment in the jail premises as well as some other government hospitals.

It is also submitted that the medical surgery was also performed in the month of January 2020 at DDU hospital and if any need arises, at this stage, it can be performed at DDU hospital or any other government hospital.

It is further submitted that his bail application was earlier dismissed on merits by the Hon'ble High Court of Delhi vide its order dated 15.07.2020 and by this court on 25.06.2020.

Learned PP further urged that present matter is at the stage of evidence and there is every likelihood that if the applicant/accused is enlarged on regular bail or interim bail in the matter he can influence the prosecution witnesses or may threaten them or may flee from justice. All the material witnesses examined in this case have supported the case of prosecution and have identified the accused persons including the present applicant as the perpetrator of the case crime. Highlighting the severity of the case crime, it is further prayed that applicant may not be released on interim bail as well as regular bail and his application be disposed off as dismissed.

Briefly stated the facts of the prosecution case are that the accused persons were charge sheeted with the allegations that they abducted one Apporv Mittal on the evening of 01.01.2018 from his office at 16, National Park, Lajpat Nagar-IV, near Mool Chand Metro Station, New Delhi for ransom and kept him in a rented accommodation and also received an amount of Rs. 3.96 Crores from his uncle Mr. Ashok Mittal and on the intervening night of 05/06.01.2018 released the victim near Radisson Hotel, Mahipal Pur, New Delhi.

Applicant/accused was the employee of the company of the Victim/Complainant Mr. Apoorv Mittal, did reece of his employer and passed the information to his associates/co-accused persons to facilitate them for the purpose of kidnapping of victim, kept him in a rented house to give colour to his plan.

Heard and record perused

In view of the totality of the facts and circumstances of the case and taking note of the submissions advanced by learned counsel for the parties, nature of accusation, severity of the allegations and the manner in which the offence was committed and the fact that applicant/accused was an employee of the complainant ; witnesses examined so far appears to have supported the version of prosecution ; and there is strong apprehension of prosecution that he may influence, or threaten the remaining witnesses, thus I am not inclined to grant him regular bail.

In so far as medical plea is concerned, from the documents /medical report submitted by jail authorities and report of IO, to save guard the interest of the accused/applicant, Concerned Supdt/Medical Officer shall ensure that proper medication is provided to him as per his ailments, and if the surgery is required in the facts of the case, it shall be got done at DDU hospital or any other government hospital under custody. Hence, I am also not inclined to release him on interim bail on medical grounds. With this direction, the application is accordingly disposed off as dismissed.

The bail application of applicant/accused Rahul @ Sumit stands disposed of as dismissed.

E-copy of the order be sent to all the parties concerned as well as to the Jail Supdt.

It has been certified that proceedings conducted through VC on CISCO WEBEX, the quality of audio and video were clear and uninterrupted to the satisfaction of the participants.

(Anil Antil)

Addl. Sessions Judge -04,
New Delhi District, Patiala House Courts,
New Delhi/27.10.2020