

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1457 OF 2022**

Abhishek Nandalal Gupta .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Shailesh Kantharia for the Applicant.

Mr.S.H.Yadav, A.P.P. for the State/Respondent.

PI Shri Namdev Jadhav attached to Borivali Police Station,
present.

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CORAM: BHARATI DANGRE, J.

DATED : 09th JUNE, 2022

P.C:-

1. The applicant is apprehending his arrest in connection with C.R.No.31 of 2022 registered with Borivali Police Station on 28/01/2022, invoking Sections 364-A, 387 read with Section 34 of the Indian Penal Code.

2. The complainant is one Priyank Lakhani, who is into share marketing and conduct his avocation through two friends in partnership. He entered into a commercial

transaction with one Akshat i.e. accused No.1 and invested sum of Rs.1,75,000/- with the applicant. In return, he raised a demand of Rs.11,00,000/-. It is alleged that accused No.1 has duped him. The complainant received threatening calls from accused No.1, but the complainant and his business partners were unable to make payment of such huge amount.

3. A novel idea was worked out by accused No.1 alongwith his three associates, when on 27/01/2022 the complainant was abducted by them and he was made to sit in a red colour car and was forcibly taken to lawyer's office and made to sign some papers, on a stamp paper. Thereafter, he was confined for some period of time, unless and until some amount was paid. These allegations resulted in invocation of Sections 364-A and 387 of the I.P.C.

4. The learned counsel for the applicant would submit that on completion of the investigation, charge-sheet has been filed against other four accused persons and they have been released on bail. He has invited my attention to an affidavit filed in Criminal Application No.316 of 2022 by the complainant regarding the consent terms to the effect that a settlement has been worked out between accused No.1 and the complainant has given consent to quash the F.I.R. in question

invoking Sections 364-A, 387 read with Section 34 of the I.P.C.. It is stated that since the differences between them have been reconciled by the consent terms arrived at and placed before the Court.

5. In the wake of the aforesaid development, accused No.1 at whose instance the entire exercise of abduction was carried out in order to fulfill the demand of huge sum of money has now been settled and the parties have approached the Court for quashing of the F.I.R. and the applicant is alleged to be one of the accomplice, who is seen in the CCTV footage alongwith accused No.1, when the investigation is now complete, custodial interrogation of the applicant is not warranted. Hence, the following order.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.0031 of 2022 registered with Borivali Police Station, applicant-Abhishek Nandalal Gupta shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station as and when called for.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)