

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.2485 of 2024

Nishant Dilip Jain

Aged 36 years, Indian Inhabitant
residing at A-702, Mahadev Tower
Complex, Near Suruchi Hotel,
Kandivali (E), Mumbai 400 101

... Applicant

versus

1. The State of Maharashtra
At the instance of Navghar
Police Station

2. Akhilesh I Pandey,
B-902, Saiakruti Empire Building,
Indralok Phase-6, Near RBK Global,
Bhayandar (East), Thane 401 105

... Respondents

Mr Rishabh Botadra i/b Mr Farhad Panthaky, for the applicant.

Mr Amit Palkar, APP, for respondent No.1/ State.

Mr Vivek Sharma, for respondent No.2/ informant.

Accused (Mr Nishant Jain) and respondent No.2 (Mr Akhilesh Pandey), are present.

API Amol Anant Talekar, Navghar Police Station, MBVV
Commissionerate, is present.

Coram: R.N. Laddha, J.

Date: 29 November 2024.

P.C.:

. Heard Mr Farhad Panthaky, the learned Counsel appearing on behalf of the applicant; Mr Amit Palkar, the learned Additional Public Prosecutor representing respondent No.1/State; and Mr Vivek Sharma, the learned Counsel appearing for respondent No.2/ informant.

2. By this application, the applicant seeks pre-arrest bail in connection with CR No.431 of 2024, registered at Navghar Police Station, Palghar, for offences punishable under Sections 420 read with 34 of the Indian Penal Code.

3. Mr Farhad Panthaky, the learned Counsel appearing on behalf of the applicant, and Mr Vivek Sharma, the learned Counsel appearing for respondent No.2/ informant, jointly submit that the parties have amicably resolved their dispute. Mr Sharma further submits that the settlement has been reached voluntarily, without any undue influence, threat or coercion. The informant has duly received the due amount from the applicant, and therefore, has no grievance against him and consents to granting him pre-arrest bail. To this effect, the respective learned Counsel for the contesting parties submit that the informant and the applicant have executed consent

terms. The same is taken on record and marked as “X” for identification.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing respondent no.1/ State, submits that the investigation has concluded, and in light of the settlement, the applicant's custody is not required.

5. After perusing the records, the genesis of the offence appears to be of a civil nature arising out of a sale transaction. The parties have now arrived at a comprehensive settlement regarding their dispute, and the informant consents to grant anticipatory bail to the applicant. The informant and the applicant are present before the Court and identified by their respective Counsel. The informant, when questioned, expresses his no objection and consents to grant pre-arrest bail to the applicant, and along with the applicant, he reiterates the contents of the consent terms.

6. In these circumstances, the application is allowed. In the event of the applicant's arrest in connection with CR No.431 of 2024, registered at Navghar Police Station, Palghar, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)