

Shabnoor

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

BAIL APPLICATION NO.459 OF 2025

Himanshu Ashok Gupta

... Applicant

V/s.

State of Maharashtra

... Respondent

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Ms. Pradyumna D. Sharma with Sandeep J. Pawar with
Bhavika S. Hodar, for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State –
respondent.

Mr. Sopan Bhagwat Wadkar, PSI, Sakinaka Police
Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 17, 2025

P.C.:

1. This is an application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), whereby the applicant is seeking his release on bail in connection with Crime Register No. 1131 of 2023 registered with Sakinaka Police Station, Mumbai for offences punishable under Sections 307, 364(A), 365, 397 read with 120(B) of the Indian Penal Code, 1860.

2. The prosecution's case, in brief, is that the applicant, along with co-accused persons, allegedly hatched a conspiracy to extort an amount of \$10,000 from the informant. The incident is alleged to have taken place while the informant was being transported to

the airport in a travel vehicle arranged by the applicant. During the journey, the other co-accused persons allegedly refused to proceed to the airport and instead began demanding documents and money from the informant. It is further alleged that the co-accused persons thereafter threatened the informant, physically assaulted him, extorted the money, and absconded from the scene. According to the investigation, the applicant played a facilitative role in arranging the vehicle and misleading the informant's father by assuring him that the persons accompanying the informant were trustworthy. The applicant was arrested from his residence in Delhi on 8th December 2023. His bail application before the learned Sessions Court came to be rejected. Hence, the present bail application has been filed before this Court.

3. Learned Advocate for the applicant submits that the applicant is not the main accused in the present case. It is argued that the co-accused who were allegedly involved in the actual assault and extortion of the money have already been granted bail. The applicant, it is submitted, is merely a travel agent based in Delhi, and has no criminal antecedents to his discredit. It is further submitted that the role attributed to the applicant is that of having arranged the travel for the informant, which in itself does not prima facie establish active participation in the alleged extortion and assault. It is, therefore, argued that the applicant is similarly situated as the co-accused who have been released on bail, and hence, on the principle of parity, the applicant too deserves to be enlarged on bail.

4. On the other hand, learned APP has strongly opposed the bail application. It is contended that the applicant had an active role in planning the incident. According to the prosecution, the applicant had assured the informant's father that the persons who would accompany his son during the journey were reliable. It is further submitted that after the incident, the applicant made video calls and followed up on the money extorted, indicating his conscious involvement in the conspiracy. The prosecution, therefore, argues that the applicant's role was not merely that of a travel arranger, but of an active conspirator who coordinated and facilitated the offence. These circumstances, taken cumulatively, are pressed into service to demonstrate that the applicant was not only aware of the offence but was an integral part of its planning and execution. It is, therefore, submitted that the application does not deserve favourable consideration and ought to be rejected.

5. Upon perusal of the charge-sheet and the material placed on record, it is seen that the informant was en route to the airport when he was allegedly threatened, assaulted, and robbed by co-accused persons travelling with him. It is not in dispute that the travel arrangements were made by the present applicant, who is a resident of Delhi and working as a travel agent. The prosecution's case is that the applicant had misled the informant's father by giving an assurance regarding the safety and trustworthiness of the co-passengers, who later turned out to be the assailants.

6. Further, the allegation is that the applicant followed up the incident through a video call, allegedly to inquire about the extorted amount. These allegations, no doubt, raise a suspicion

about the applicant's awareness of the overall transaction. However, whether this amounts to an active role in criminal conspiracy or was merely a business arrangement which got misused by the co-accused is a matter that needs to be established by leading evidence during trial.

7. It is also a matter of record that the main co-accused, who are alleged to have physically assaulted and robbed the informant, have already been released on bail. Prima facie, the applicant is not shown to be present at the spot of incident or directly involved in the act of assault or robbery. The material against him is largely circumstantial and relates to the planning aspect. The principle of parity, therefore, does hold relevance in the present case.

8. Further, the applicant has no criminal antecedents. He is a permanent resident of Delhi. The charge-sheet has already been filed and investigation is complete. There is nothing on record to suggest that he is likely to abscond or tamper with the evidence or influence witnesses if released on bail.

9. Having regard to the totality of circumstances and without commenting on the merits of the case, I am of the view that the applicant has made out a case for grant of bail.

10. Hence, the following order is passed:

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime Register No.1131 of 2023 registered with Sakinaka Police Station for offences punishable under

Sections 307, 364(A), 365, 397 read with 120(B) of the Indian Penal Code, on executing a Personal Bond in the sum of ₹25,000/- (Rupees Twenty Five Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the concerned trial Court.

(iii) The applicant shall not directly or indirectly make any attempt to contact the informant or any prosecution witness in any manner.

(iv) The applicant shall attend the trial proceedings regularly and shall not indulge in any activity which would prejudice the trial.

(vi) If any of the above conditions are violated, the prosecution shall be at liberty to seek cancellation of bail.

(AMIT BORKAR, J.)