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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.989 OF 2016**

1. Meenakshi Mukesh Mishra
2. Saurabh Rajdev Misra @Ratnesh Rajdev Mishra ...Applicants
Versus
The State of Maharashtra ...Respondent

Ms.Anita Vasani i/b Mr.O.A.Pandey, for the Applicants

Ms.S.S.Kaushik, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 7th JULY, 2016***

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.43 of 2016 registered with the Versova Police Station, Mumbai, for the alleged offences punishable under Section 420 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicants submitted that the allegation against the applicants is that, a sum of Rs.2,800/- was paid by

the complainant to the applicants for providing internet services however, the said services were not provided by them. Learned Counsel for the applicants submitted that as there was no connectivity in the area, the internet services could not be provided by the applicants. On the last occasion, when interim protection was granted vide order dated 27th June, 2016, the learned counsel for the applicants had made a statement that the applicants were ready to refund a sum of Rs.2,800/- paid by the complainant back to him, however, the same was refused by the complainant. She submitted that even today the applicants are ready to refund the sum of Rs.2,800/- to the complainant as they are unable to provide the internet connection to the complainant in the area.

4. Considering the peculiar facts of the case, custodial interrogation of the applicants is not required. Accordingly, the applicants are granted pre-arrest bail on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.