

nsC.

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

***ANTICIPATORY BAIL APPLICATION NO.1054 OF 2017***

- |    |                                    |               |
|----|------------------------------------|---------------|
| 1. | Aditya Alias Boni Dhananjay Surkar |               |
| 2. | Anuj Dhananjay Surkar              | ...Applicants |
|    | Versus                             |               |
|    | The State of Maharashtra           | ...Respondent |

Mr.K.U.Nikam, for the Applicants

Mr.S.S.Hulke, A.P.P for the Respondent-State

PSI – Bhushan Kote, Hinjewadi Police Station, Pune.

***CORAM : REVATI MOHITE DERE, J.***  
***DATE : 5<sup>th</sup> JULY, 2017***

**P.C. :**

1. Heard learned Counsel for the parties.
  
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No. 135 of 2017 registered with the Hinjewadi Police Station, Pune, for the alleged offences punishable under Sections 392, 427 r/w 34 of the Indian Penal Code.
  
3. Learned Counsel for the applicants states that the aforesaid

complaint has been lodged by Lalitkumar Mansing Salunkhe, as a counter-blast to the complaint lodged by the applicants' father on 28th February, 2017 with the Police Commissioner. He submitted that in the said complaint letter dated 28th February, 2017 addressed by the applicants' father to the Police Commissioner, it is stated that the complainant in the present case had defrauded him to the tune of Rs. 15 lakhs. It was prayed in the said complaint letter that legal action should be taken against the said persons and that there was apprehension and danger to his life.

4. Learned Counsel for the applicants further submitted that with respect to hotel 'Bottoms-up', there was an oral understanding that both i.e. the applicants' father and the complainant, would run the said hotel. Pursuant thereto, in February, 2017, an unregistered Memorandum of Understanding was entered into between them. The complainant had signed the said Memorandum of Understanding. He further submits that the applicants' father was asking the complainant to either return the amount invested by him or was even willing to purchase the complainant's share. He submits that the applicants have been falsely implicated, pursuant to the said dispute, between the applicants' father and the complainant. He further

submits that the applicants are young boys aged 18 and 22 years and have been falsely implicated by the complainant in the said case.

5. Learned APP submits that the CCTV footage shows that the applicants were present at the spot along with another person.

6. Perused the papers. Admittedly, the applicant's father was a partner in hotel 'Bottoms-up'. It appears that there was some dispute between the applicants' father and the complainant.

7. In the peculiar facts of this case, the application is allowed and 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 executing P.R. Bond in the sum of Rs.15,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall report to the Investigating Officer of the concerned Police Station on every Monday between 10.00 a.m. to 12.00 noon, till the filing of the charge-sheet or for a period of 3 months, whichever is earlier.

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

9. It is made clear that the observations made herein are *prima facie* and are confined to this application.

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

**(REVATI MOHITE DERE, J.)**