

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3088 OF 2018**

Aroop Biswanath Das & Anr.

...Petitioners

Versus

The State of Maharashtra

...Respondent

Mrs. Teja Katdare I/b Ms. Alpa T. Javeri for the Petitioners

Mr. K. V. Saste, A.P.P for the Respondent-State

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
MONDAY, 6th AUGUST 2018***

P.C. :

1 The above Writ Petition has been filed for seeking quashing of the FIR in question being C.R. No. 113 of 2018 registered with the Vile Parle Police Station for the offences punishable under Sections 308, 294, 114, 34 of the Indian Penal Code r/w Sections 3, 8(1), (2), (3) and (4) of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (Working Therein) Act, 2016 read with Sections 33(1), 131 of the Maharashtra Police Act read with Sections 11(2), 12, 17 and 18 of the Protection of Children from Sexual Offences Act, 2012.

2 The Petitioners are the owners of the premises in question in which premises the alleged offences have allegedly taken place. The Petitioners had filed an application for anticipatory bail being Anticipatory Bail Application No. 886 of 2018 before the learned Single Judge of this Court. The said Application had come up for hearing on 7th June 2018, before a learned Single Judge of this Court, when a statement came to be made on behalf of the Petitioners that the Petitioners would surrender before the concerned Metropolitan Magistrate at 11:00 a.m. on or before 18th June 2018. The leaned A.P.P informs us that inspite of the said statement, the Petitioners have not surrendered, as agreed by them before the learned Single Judge.

3 In our view, since the Petitioners have not abided by their statement as recorded in the order dated 7th June 2018 passed by the learned Single Judge of this Court, the Petitioners are disentitled to invoke our discretionary jurisdiction under Article 226 of the Constitution of India. The Writ Petition is accordingly dismissed.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.