

Vidya Amin.

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

ANTICIPATORY BAIL APPLICATION NO. 1178 OF 2019

Sammer Pappu Dhaka	...	Applicant
VS.		
The State of Maharashtra	...	Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1179 OF 2019**

1. Lovelesh Kumar s/o. Ombir Singh		
2. Sahil Rajpal Chaudhary	...	Applicants
VS.		
The State of Maharashtra	...	Respondent

Mr. Rajkumar laxman A. Rajhuns. Advocate for the applicants.
Mr. Prashant Jadhav, APP for the respondent/State in ABA/1178/2019.
Mr. A.A. Palkar, APP for the respondent/State in ABA/1179/2019
P.S.I. Katkre, Amboli Police Station present in the Court.

**CORAM: REVATI MOHITE DERE, J.
DATED: 4th June, 2019**

P.C. :

Heard learned Counsel for the parties.

2. By these applications, the applicants seek pre-arrest bail in connection with Special L.A.C. No. 216 of 2018 registered with the Amboli Police Station, Mumbai, for the alleged offences punishable under Section 90 of the Maharashtra Prohibition Act, Section 33(R), 131 of the Maharashtra Police Act and Section 77 of the

Juvenile Justice Rules.

3. Perused the papers. The applicant-Sammer in Anticipatory Bail Application no. 1178 of 2019 is aged 19 years. He is an artist by profession having worked as an Assistant Director in the Film Industry. According to learned counsel for the applicant, the said applicant is not the owner of LSD Hotel. As far as the two applicants in Anticipatory Bail Application No. 1179 of 2019 are concerned, the said applicants were conducting the business under an agreement with M/s. Raju Rajeshwar Hospitality Pvt. Ltd. It appears that the police of Amboli Police Station, on receipt of information, gave a surprise visit to the LSD Hotel on 25th December, 2018, i.e., Christmas Day. During the surprise visit, out of the 300-400 customers present in the pub, 7 boys were found to be minor, i.e., below the age of 18 years and above 17 years. It is also alleged that music was playing without permission. Pursuant thereto, three employees of LSD Hotel were arrested and produced before the Metropolitan Magistrate, Andheri. DVR was seized from the said hotel. According to the prosecution, the said 7 minor boys should not have been permitted entry considering that the place had restricted entry, i.e., for persons

above 18 years only. It appears that investigation is over and charge-sheet is filed against the arrested accused. All the equipment has been seized.

4. As far as the applicants are concerned, it appears that except applicant no. 1 in Anticipatory Bail Application No. 1178 of 2019, other applicants in Anticipatory Bail Application No. 1179 of 2019 were not even present on the spot at the time of incident. No document has been produced to show that the Applicant in Anticipatory Bail Application No. 1178 of 2019 aged 19 years, is the owner of the said premises. As noted above, investigation is over and all the records have been seized. Considering the facts, custodial interrogation of the applicants is not required.

5. Accordingly, the Applications are 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 furnishing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall report to the concerned

police station on 11th, 12th and 13th June, 2019
between 10 a.m. to 12 noon;

- (iii) The applicants shall inform their latest place of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police station, in writing;
- (iv) The applicants shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- (v) The applicants shall cooperate in the conduct of the trial.

6. The Applications are allowed and disposed of in above terms.

7. It is made clear, that the observations made herein are *prima facie* and are confined to these applications.

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

(REVATI MOHITE DERE, J.)