

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

ANTICIPATORY BAIL APPLICATION NO. 565 OF 2024

Navin Prakash Alhat	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 567 OF 2024**

Prakash Dattatray Alhat & Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Abhishek R. Avachat, for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 29 FEBRUARY 2024

P.C. :

1. In both these applications a common order is passed because they arise out of same offence.

2. The Applicants are seeking anticipatory bail in connection with C.R.No. 114 of 2024 registered at Hadapsar Police Station, on 17th January 2024 under sections 420, 406 read with

section 34 of the Indian Penal Code.

3. Heard Mr. Avachat, learned Counsel for the applicants and Ms. Ganapathy, learned APP for the State.

4. The F.I.R is lodged by Tushar Surve. The gist of the FIR is that the applicants' family and the Informant family had long standing friendly relations. Earlier they used to stay in the same building. The applicant Navin was a childhood friend of the Informant. The gist of the FIR is that the applicant represented to the Informant that they were having hotel business and they wanted investments to the tune of Rs. 12 Lakhs for which they were willing to add the investors as their partners. The applicants insisted that the Informant should invest in their business. Based on their representation, the Informant Tushar Surve alongwith his friend Swapnil invested Rs. 12 Lakhs. Both of them paid Rs. 6 Lakhs each. One document in the nature of Partnership deed was executed. It was notarized. The gist of the FIR is that the applicants had made false representation. They never intended to give any profit or return the amount. The investment was

misappropriated. On this basis, FIR is filed.

5. Learned Counsel for the applicant without prejudice to his rights and contentions and on instructions made a statement that the applicants are willing to deposit amount of Rs. 12 Lakhs in this Court and the applicant do not have any objection if the Informant withdraws that amount.

6. Considering the statement, one chance can be given to the applicants to show their bonafide. Strictly on the basis of this statement, the applicants can be protected by way of Interim Relief.

7. Learned Counsel for the applicants shall add Tushar Surve, the first Informant and the other Investor Swapnil Kale as the party respondents. Amendment shall be carried out forthwith.

8. Hence, the following Interim order :

ORDER

- i) In the event of their arrest in connection with C.R. No. 114 of 2024 registered with Hadapsar Police Station, till the next date, the applicants

are directed to be released on bail on their executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- ii) This order shall operate till 15th April, 2024.
- iii) Issue notice to the added Respondents returnable on 15th April, 2024.
- iv) The Applicants are permitted to deposit Rs. 12 Lakhs in this Court within a period of 4 weeks from today.
- v) Stand over to 15th April, 2024.

(SARANG V. KOTWAL, J.)