

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.615 OF 2016

Mr. Pravin Ambalal Bera and ors. ..Applicants.
vs.
The State of Maharashtra. ..Respondent.

Mr.A.H.Ponda with M.H.Rajani for the Applicants.
Mrs. Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.
DATE : 23rd August, 2016

P.C.

The applicants are apprehending arrest in C.R. NO.II-48/2016 dated 26.3.2016 registered with Kasarvadavali Police Station, Thane, under Section 4-A and 5 of Gambling Act, Section 25-C of the Indian Telegraphic Act and under Section-420,465,468,471 of the Indian Penal Code

2) Heard the learned counsel for the applicant at length and the learned APP. I have also perused the papers pertaining to the investigation of the present crime.

The first information report is lodged by the Assistant Police Inspector Mr. Aviraj Kurade attached to the Crime Branch Unit 1, Thane on behalf of the State on 26.3.2016. It is stated in the first

information report that after receipt of specific confidential information that a person by name Sanjay Manek, a bookie is accepting betting for the T-20 World Cup and forwards the collected amount to Applicant No.1 and 3 to avoid personal loss in the said activity, the police conducted raid at the premises mentioned in the said first information report and found two persons accepting betting for T-20 Cricket World Cup, 2016. The said cricket match was to be played at Firozsha Kotla Ground New Delhi. The police after conducting the raid seized the electronic gadgets including the mobile phones. A detailed panchanama is effected on the said spot and subsequently present information report is lodged.

3) During the course of investigation, co-accused persons namely Sanjay Mansukhlal Manek and Pratik Meghagi Raivani are arrested and they were interrogated extensively. It is the case of the prosecution that apart from the specific confidential information received, disclosing the names of the applicants as main accused in crime and as has been mentioned in the F.I.R., during the course of the investigation the roles of the present applicants are revealed as principal accused persons. Though the offence was initially registered under Section-4-A and 5 of the Gambling Act and Section

25-C of the Indian Telegraphic Act during the course of investigation the police have added Sections 420, 465, 468 and 471 of the I.P.C. to the present crime.

4) The learned counsel appearing for the applicant submitted that the provisions of Gambling Act which are applied to the present crime are bailable offences and that only with a view to curtail the personal liberty of the applicants the police have applied Sections 420, 465, 468 and 471 of the I.P.C. which are cognizable and non bailable offences. He further submitted that though the police claimed that there are certain antecedents at the discredit of the applicant No.1 Pravin the same should not be treated as an impediment while dealing with the personal liberty of a citizen of India who is involved in the present crime. He lastly submitted that after taking into consideration the fact that nobody has claimed that he was deceived and suffered monetary loss even the application of Section 420 of the IPC is misplaced. He therefore prayed that the applicants be released on pre-arrest bail.

5) The Investigating Officer Shri. Nitin V. Thakare, Police Inspector has filed a detailed affidavit dated 7.7.2016. I have also perused the papers pertaining to the investigation of the present

crime. It is clear from the investigation so far carried out by the police that, applicant No.1 Pravin is the master mind behind the present crime and other two applicants were actively helping him in the illegal activities conducted by the applicant No.1. The investigation further reveals that the applicants herein are not only beneficiaries of the proceeds of the crime but they used to collect the major portion of the money from the other accused persons. The investigation of the present crime is at a crucial stage.

6) Apart from the aforesaid facts, it is to be noted here that as per the reply of police the applicant No.1 Pravin Bera is involved in other cases of similar nature wherein the police have filed the charge sheet and the applicant No.1 is on bail in the said crimes. It further appears that when the applicant No.1 was on bail in the said two crimes he has committed the present crime. It is further to be noted that the applicant No.1 has been acquitted in two other crimes bearing CR No.30/2008 registered with Vartak Nagar Police Station and CR N.188/12 registered with Wagale Estate Police Station, Thane. As stated earlier the investigation carried out till date clearly points out the involvement of the present applicants in the offences charged against them. Unless and until the applicants are

interrogated custodially the further investigation in the present crime may not be possible. I find no merits in the application. Application is accordingly rejected.

7) At this stage the learned counsel appearing for the applicants submitted that the applicants would like to question the correctness of this order in the Apex Court and as the applicants are protected by this Court by interim relief till today, the same protection may be continued for a period of two weeks from today. The learned APP. opposed the said prayer. As the application of the applicant is rejected on merits, it is not necessary to continue the interim protection. The prayer is accordingly rejected.

(A.S. GADKARI, J.)