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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1109 OF 2016**

Gautam Bhausaheb Tombre

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Aniket Vagal, for the Applicant

Ms.Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks his enlargement on bail.
The applicant was arrested in connection with C.R. No.8 of 2007 registered with the Anti Terrorist Squad, Bombay, for the alleged offences punishable under Sections 4, 5, 12(a) of the Bombay Prevention of Gambling Act and under Sections 21 and 25(B)(A) of the Indian Telegram Act.
3. It appears that the applicant was arrested in the aforesaid C.R.

on 24th July, 2007 and was enlarged on bail on 2nd August, 2007. As the applicant failed to attend the court proceedings, the Trial Court was pleased to issue an NBW on 10th December, 2012 to secure the attendance of the applicant. As the applicant failed to remain present, the Trial Court was constrained to issue a proclamation on 18th November, 2013. Pursuant to the same, the applicant was re-arrested on 22nd February, 2016. On 10th March, 2016, the applicant's application seeking his enlargement on bail came to be rejected by the Trial Court. The applicant challenged this order in the Sessions Court and the Sessions Court vide order dated 12th April, 2016 was pleased to confirm the order of the Trial Court and expedited the trial of the applicant.

4. Learned Counsel for the applicant submits that Applicant is ready to abide by any terms and conditions, as may be imposed by this Court, if the applicant is enlarged on bail. He has tendered an undertaking of the applicant, which is affirmed before the Jailor, Mumbai Central Prison on 7th July, 2016. The same is taken on record and marked 'X' for identification. In the said undertaking, the applicant has undertaken to remain present on every date of hearing of the case and has stated that he is

ready to abide by all the conditions, which may be imposed by this Court. He has also undertaken to inform the Court, if there is a change in his address.

5. Perused the papers. The applicant has been charged for an offence punishable under Bombay Prevention of Gambling Act and under Indian Telegraph Act. It appears that the maximum sentence that can be imposed is 3 years for the alleged offences. The applicant has been in custody since his rearrest i.e. since 22nd February, 2016. Although, no fault can be found in the impugned orders rejecting the applicant's prayer for bail, only in view of the undertaking given by the applicant, the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount;
- (ii) The applicant shall report to the Anti Terrorist Squad, Bombay, on the first Saturday of every month between 10:00 a.m. to 11:00

a.m., till the conclusion of the trial;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant shall attend the Trial Court on every date of the hearing;

(vi) The applicant to cooperate with the conduct of the trial;

(vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Trial Court, within two weeks' of his

release.

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

7. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.