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

ANTICIPATORY BAIL APPLICATION NO. 606 OF 2019

Devendra J. Bhanushali & Anr.

... **Applicants**

Vs

The State of Maharashtra

... **Respondent**

Mr.Satyavrat Joshi i/b. Mr.N.J. Mohite for Applicant.

Mr.R.M. Pethe, APP for State.

Mr.S.A. Bhoir, PN/1523, Manor Police Station.

CORAM : A.S.GADKARI, J.

DATE : 12th March 2019.

P.C.:

1] The applicants are apprehending arrest in C.R. No. 885 of 2018 dated 27/09/2018 registered with Waliv Police Station, for the offence punishable under Section 4, 5 of the Maharashtra Prevention of Gambling Act and Section 25 (c) of the Indian Telegraph Act, 1985.

2] Heard learned counsel for the applicant and learned APP. Perused the record of investigation.

3] The record indicates that, admittedly on the date and time of alleged raid, the applicants were not present at the scene of offence. It is the allegation against the applicants that they were accepting betting on mobile phone for the Asia Cup Cricket Trophy between Pakistan and

Bangladesh. Prima-facie, it appears that, Section 5 of the Maharashtra Prevention of Gambling Act is not applicable to the applicants, as the applicants were not present at the scene of offence.

4] In view of the above, the applicants can be protected by pre-arrest bail.

5] Hence, following order.

- (i) In the event of arrest in CR No. 885 of 2018 registered with Waliv Police Station, the applicants shall be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each, with one or two solvent local sureties in the like amount.
- (ii) Applicants shall attend the Investigating Officer as and when called for between 11.00 a.m to 2.00 p.m and to join in the process of investigation till submission of final report.
- (iii) Applicants shall not tamper with the evidence and/or interfere with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)