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

**CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 901 OF 2019**

1. Ramesh Lakhulal Chaurasia &
2. Achal Ramesh Chaurasia ... **Applicants**

**V/s.**

The State of Maharashtra ... **Respondent**

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Mr.D.V. Sawant i/b. Mr.Jaywant Avhad for Applicants.
Mr.Amit Palkar, A.P.P. for Respondent-State.

**CORAM : A.S. GADKARI, J.**

**DATE : 15$^{th}$ April 2019.**

**P.C. :**

1] This is an application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in connection with C.R. No. I-373 of 2018, dated 31/10/2018 registered with Bhiwandi City Police Station, District Thane, for the offence punishable under Section 420, 294(A) read with 34 of the Indian Penal Code, Section 4(1), 7(3), 8, 9 Lottery Regulation Act and Section 4, 5 of the Maharashtra Prevention of Gambling Act.

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

3] The prosecution case in brief is that, the applicants in connivance with other accused persons, conducted online gaming/gambling and also online lottary without their being any lawful authority from the Government of Maharashtra in that behalf. That the applicants are the owners/directors of the company, namely, Game King Private Limited and provides Game King India Club, an online gaming facility. It is the specific prosecution case that, the applicants in connivance with other accused persons by conducting the said illegal activities have caused wrongful loss to the Government exchequer *inter-alia* has committed the act of cheating as contemplated under Section 420 read with Section 34 of the Indian Penal Code to the Government.

On receipt of specific information, the police conducted raid and co-accused were found indulging into the said illegal activities and during the course of their preliminary inquiry, the names of the applicants have surfaced on record as co-accused.

4] Mr.Sawant, the learned counsel for the applicants submitted that, the applicants had already submitted their resignations from the said company i.e. Game King Private Limited in the month of February 2018 and therefore, they have nothing to do with the present crime registered in October 2018. He further submitted that, the applicants are manufacturers of the machines which are being used in the alleged activity of gambling and the co-accused are in turn using the said machines for which the applicants can not be held responsible. He submitted that, in the year 2012, with similar set of allegations, police had registered two crimes, wherein this Court was pleased to quash the said crimes by the orders dated 20th July 2012 and 12th December 2012, respectively. He submitted that, in some other crimes, the applicants were arrested and were custodialy interrogated and therefore, their interrogation in the present crime is not necessary. He submitted that, the police have already submitted chargesheet in other crimes and the same chargesheet can be referred to and relied upon while granting pre-arrest bail in the present application.

5] As far as the contention of the learned counsel for the applicants that, in some other crimes chargesheets have been filed against the applicants and therefore, the benefit of the same to be given to the applicants in the present crime, is recorded only for its rejection at its threshold. The said contention is dehors of any legal basis.

6] The facts noted in the earlier paragraphs giving rise for lodgment of the present crime have emerged on record as per the first information report and during the course of investigation. The record of investigation indicates that, the applicants in connivance with other accused persons were conducting illegal lottery/gambling centers, thereby causing wrongful loss to the Government exchequer. The investigation of the present crime is at initial stage and unless and until the applicants are thoroughly interrogated the entire truth behind the crime will not be unearthed. The record further indicates that, the applicants are also involved in 21 other crimes of similar nature. It appears from the record that the *modus-operandi* adopted by the applicants herein is same and similar in other 21 crimes. The police report dated 15th April 2019 indicates that, the applicants are habitual offenders. This ground alone is sufficient to disentitle the applicants from getting the discretionary relief under Section 438 of the Criminal Procedure Code. It further appears from the record that, when the applicants were on bail in other crimes, it is alleged that they have committed the present crime.

7] In view of the above and after taking into consideration the gravity of the offence and serious allegations against the applicants, this Court is of the considered view that the applicants do not deserve to be protected by pre-arrest bail.

8] Application is, accordingly, rejected.

**[A.S. GADKARI, J.]**