

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1358 OF 2018

Surendra Bhimsen Agarwal

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr.Rajiv Chavan, Senior Advocate a/w. Ms.Priyanka Chavan and
Ms.Neelam K. i/b. Mr.Ganesh Mohite for Applicant.

Mr.R.M. Pethe, A.P.P. for Respondent-State.

Mr.Sandipan Shinde, PI, Crime Branch, Navi Mumbai.

CORAM : A.S. GADKARI, J.

DATE : 3rd April 2019.

P.C. :

1] By an order dated 12th July 2018 the applicant was granted interim relief.

2] Perusal of the first information report would *prima-facie* indicates that the application of Section 420 of the Indian Penal Code (*for short, "IPC"*) and other related Sections of the IPC to the present crime is misplaced.

As far as application of Section 5 of the Maharashtra Prevention of Gambling Act is concerned, the record *prima-facie* indicates that, the applicant was not present at the scene of offence. Offence under Section 4 of the said Act is a bailable offence.

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

Interim relief, granted by order dated 12th July 2018 is hereby confirmed.

4] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]