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

ANTICIPATORY BAIL APPLICATION NO.2117 OF 2018

Nikunj Bharat Thakkar

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.H. Ponda a/w Ms.R.Careia I/b A.V. Chatuphale for applicant.
Mr. R.M. Pethe, APP for State.

CORAM : A.S.GADKARI, J.
DATE : 11th March 2019.

P.C.:

1] The applicant is apprehending arrest in CR No.II-25 of 2017 dated 22.9.2017 registered with Kasarwadvli Police Station, Thane under Sections 420, 465, 467, 468, 471, and 34 of the Indian Penal Code and undersections 4 and 5 of Maharashtra Prevention of Gambliig Act r/w Section 25(c) of Indian Telegrph Act, 1985.

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

3] The allegation against the applicant is that, by use of advance electronic gadgets he indulged into 'betting' in respect of the cricket match between Autralia and India on 21.9.2017 and thereby committed offence of gambling. Prima facie, it appears that the role of the applicant surfaced on record

in furtherance of the statement by the co-accused given to the police and mentioning of his name in the diary maintained by the co-accused. It is to be noted here that, the present crime is registered on 22.9.2017. The record indicates that, the applicant was in the custody of the police in another crime bearing No.13 of 2019 registered with Santacruz Police Station, for the period from 15.1.2019 to 25.1.2019. It appears that, the Investigating Officer of the present crime did not seek custody of the applicant when he was arrested in other crime and has concluded its investigation and submitted chargesheet on 3.8.2018.

4] The record indicates that, the investigation of the present crime is solely based on the documents which are already seized by the police and are annexed to the chargesheet.

In view of the above, this Court is of opinion that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant can be protected by pre-arrest bail.

5] Hence the following Order:

i] In the event of arrest in CR No. II-25 of 2017 registered with Kasarvadvli Police Station, Thane, the applicant be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] Applicant shall attend the Investigating Officer as and when called

for between 11-00 a.m to 2.00 p.m and to join the process of investigation till submission of final report against him.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)