

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2567 OF 2019

Virajbhai Bhabhulbhai Wala ...Applicant

V/s.

The State of Maharashtra Respondent

Mr. Manoj Mohite a/w. Mr. Kiran Verma i/by. Rajeev Sawant & Associates, Advocate for the applicant.

Ms. Sharmila S. Kaushik, APP for State.

PI, Mr. Bharat Salgar, Juhu Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Monday, 25th November, 2019.

P.C. :

1. It is alleged that, accused in Crime No. 225/2019 indulged into placing bets i.e. gambling in ongoing World Cup Match between India and West Indies. Two persons were apprehended on the spot in

a Hotel. The applicant is brother of one of these two accused residing in the State of Gujarat. The raid was conducted on 27th June, 2019; however, FIR came to be registered 18 hours thereafter. It is submitted, the applicant was called by the concerned Police Station on 27th June, 2019. However, thereafter the applicant was never summoned by the Police as a Witness or otherwise. It is submitted, the chargesheet has been filed in the said crime even against this applicant for the offences allegedly committed under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Bombay Prevention of Gambling Act and under Section 25© of the Indian Telegraph Act.

2. Learned APP on instructions submits that the raid was conducted and 24 mobiles alongwith sim-cards were seized from the spot. It is the prosecution's case, that the accused in the crime obtained the sim-cards by forging valuable documents. However, it appears, the prosecution

has not recorded the statements of service provides in support of the accusation.

3. The offences under the Bombay Prevention of Gambling Act and under the Indian Telegraph Act being bailable in nature and prima-facie, there is no evidence of commission of an offence of forgery or cheating.

4. The chargesheet is filed and thus in view of the facts of the case, the following order is passed :

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of the arrest of the applicant in Crime No. 225/2019 registered with Juhu Police Station for the under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Bombay Prevention of Gambling Act and under Section 25(c) of the Indian

Telegraph Act, he be released on bail on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend the Police Station concerned as and when called.

(iv) The applicant shall furnish the particulars of his latest place residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

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

(SANDEEP K. SHINDE, J.)