

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

ANTICIPATORY BAIL APPLICATION NO.2649 OF 2019

Minesh Babulal Shah	.. Applicant
<i>Vs.</i>	
State of Maharashtra	.. Respondent

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Mr.Hrishikesh Mundargi i/b. Mr.Dilip H. Shukla and Alif Mobhani,
Advocate for the Applicant.

Mrs.Geeta P. Mulekar, APP for the Respondent - State.

API Arjun Padwale, Tardeo Police Station, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : DECEMBER 04, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.314 of 2018, registered on 22nd December, 2018, with Tardeo Police Station, Mumbai, for the offences punishable under Section 420 read with 34 of Indian Penal Code and Sections 4, 5 and 12(A) of Gambling Act and under Section 7 of The Bombay Racecourse Licensing Act, 1912.

2 The prosecution case is that raid was effected by the Police by sending punters and it was found that some of the

bookies were not showing the exact amount collected by them, and, thereby cheated and caused loss of revenue to the Government. About 18 persons were arrested by police. Several other persons were granted anticipatory bail. Copies of the orders granting anticipatory bail are annexed to this application.

3 Charge - sheet is filed against arrested persons.

4 Application preferred by the Applicant before the Sessions Court was rejected on the ground that the Applicant was not available after registration of the FIR. FIR is registered in 2018.

5 Learned Counsel for the Applicant submitted that custodial interrogation of the applicant is not necessary. Several other persons were granted anticipatory bail on the ground that their custodial interrogation is not necessary. The persons who were arrested were granted bail immediately.

6 Learned APP submitted that the Applicant was absconding since the date of registration of the FIR. The Application for anticipatory bail was preferred after a period of

about one year. If he is released on bail, there is likelihood that he would abscond. Learned counsel for the Applicant further submitted that the Applicant is ailing and he was taking treatment in Gujarat as well as at Mumbai. Copies of the medical case papers are annexed to this Application.

7 Most of the offences are bailable in nature except the offence under Section 420 of IPC. All the other accused were either arrested and released on bail or granted anticipatory bail. Charge - sheet has been filed against the arrested accused. In view of the aforesaid circumstances, custodial interrogation of the Applicant is not warranted. On certain terms and conditions the applicant can be released on bail.

8 Hence, I pass the following order:

:: O R D E R ::

- (i) Anticipatory Bail Application No.2649 of 2019, is allowed;
- (ii) In the event of arrest of the Applicant in connection with C.R.No.314 of 2018, registered

on 22nd December, 2018, with Tardeo Police Station, Mumbai, he be released on bail on his executing P.R. Bond in the sum of Rs.25,000/-, with one or two sureties in the like amount;

(iii) Applicant shall report to investigating officer on first Saturday of the month between 10:00 a.m. to 12:00 noon, till filing of charge-sheet;

(iv) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)