

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.903 OF 2020

Shri Pratap s/o Jayram Nyahalde = APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
Nizampur Police Station,
Sakri, tq. Sakri, Dist.Dhule = RESPONDENT/S

Mr. NN Desale, Advocate for Applicant;
Mr. SY Mahajan, APP for Respondent-State.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 16th December, 2020.

PER COURT:-

1. The applicant is apprehending his arrest in connection with CR No.80/2020, dated 7.8.2020 registered with Nizampur Police Station, Tq.Sakri, District Dhule, for the offences punishable under Sections 353, 186, 188 read with 34 of IPC and Sections 4 and 5 of Bombay Gambling Act and, therefore, he has filed the present application for anticipatory bail.

2. Heard both sides. In order to cut short, it can be said that both the sides have advanced vehement submissions in order to support their respective contentions.

3. Perusal of the FIR would show that it has been lodged by Police Constable - Yogesh Dilip

(2)

Jagtap, attached to the Local Crime Branch. It has been stated that they got secret information that one person viz. Sharad Pendhare runs a playing-cards club for gambling behind Pankaj Hotel at Nandurbar road. The police party went there. They were hearing the gambling activities going on inside the house. When they knocked the door of the house, nobody opened it and, therefore, they entered the said house through staircase from neighborhood. They found 7-8 persons sitting around the table holding playing cards in their hands for gambling. They found currency notes on the table and, therefore, raid was conducted. When it was realized by those persons that raid has been conducted, out of them some persons tried to flee away. After restraining them, the police party done videography of the incident. Thereafter said Sharad Pendhare started disputing with the police and taking advantage of the said fact, the others fled away from the spot of occurrence. Thus, perusal of the report would show that present applicant was not named. It has been contended by learned APP that present applicant has been identified with the help of mobile shooting. Even if we consider the said fact as it is; yet presence of the present applicant at the said place would be revealed. Further, it is stated that he was gaming; yet it would be a bailable offence. Non-bailable offence under Section 353 of IPC is against said Sharad Pendhare and not against the present applicant. Hence, the application deserves to be allowed. Hence, following order, -

(3)

ORDER

- i. The application stands allowed;
- ii. The order passed by this Court on 16.10.2020, thereby granting interim relief, is hereby confirmed and made absolute.
- iii. If the applicant is not arrested formally, In the event of his arrest in connection with CR No.80/2020, dated 7.8.2020, registered with Nizampur Police Station, Tq.Sakri, District Dhule, for the offences punishable under Sections 353, 186, 188 read with 34 of IPC and Sections 4 and 5 of Bombay Gambling Act, he be released on PR and SB of Rs.15,000/- each.
- iii. The applicant shall not tamper with evidence of the prosecution in any manner. He shall not indulge in any criminal activity;
- iv. The applicant shall attend the concerned police station once in a week, i.e. on every Monday, between 10.00 AM to 2.00 PM; and shall co-operate with the Investigating Officer.

(SMT. VIBHA KANKANWADI,J.)

BDV