

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.924 OF 2020

Jyotiba Saudagar Gund	..Applicant
V/s.	
State of Maharashtra	..Respondent

Mr.Ashok B. Tajane for the Applicant.

Mr.Ajay Patil, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 17th DECEMBER 2020
(Through Video Conferencing)**

P.C.

1. The applicant, apprehending arrest in Crime No.1143 of 2020 registered with Foujdar Chawdi Police Station, District-Solapur, under Section 420, 109, 269, 336, 188 of the Indian Penal Code and Section 4 and 5 of the Mumbai Gambling Act, Section 66 of the Information Technology Act, Section 51(B) of the Disaster Management, 2005 Act and Section 3 of the Epidemic Diseases Act 1897, is seeking anticipatory bail.

2. I have heard the learned counsel for the applicant and the learned Additional Public Prosecutor. Perused record.

**Nilam
Kamble** Digitally signed
by Nilam Kamble
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3. There was a raid conducted on prior information on 06th November 2020 at Flat situated at Vaishnavi Heights Apartment at Solpaur, where the co-accused were found to have assembled and were indulging in gambling. *Prima facie* it appears that the applicant is not named in the FIR.

4. The learned counsel for the applicant points out that the brother of the applicant who is accused No.1, who is not on talking terms with the applicant, has taken the name of the applicant where upon in the second remand report, the applicant's name figured.

5. It is submitted that the offence under the Indian Penal Code, Disaster Management Act and Epidemic Disease Act came to be included only because the alleged act of gambling was during the subsistence of the notification under the Disaster Management Act and the Epidemic Diseases Act.

6. Mr.Patil, the learned Additional Public Prosecutor in all fairness did not dispute that the applicant is not named in the FIR and his name figured only on the basis of the statement of the co-

accused No.1. He therefore has left the matter to the discretion of the Court for passing appropriate order.

7. In view of the circumstances and the submissions made the following order is passed.

ORDER

(i) The Criminal Application is allowed.

(ii) In the event of his arrest in connection with investigation of Crime No.1143 of 2020 registered with Foujdar Chawdi Police Station, District-Solapur, the applicant shall be released on bail on executing a P.R. Bond in the sum of Rs.25,000/-with one or two solvent sureties in the like amount.

(iii) The applicant shall attend concerned Police Station on 28th 29th and 30th December 2020 between 11.00 am to 1.00 p.m. and as and when called by the investigating officer and shall co-operate with the Investigating Agency.

(iv) The applicant shall not tamper with the prosecution evidence/witnesses.

(v) The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.