

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

ANTICIPATORY BAIL APPLICATION NO.1224 OF 2021

Gorakhnath Dattatray Shakhapure Applicant

versus

State of Maharashtra Respondent

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- Mr.Ritesh Thobde, Advocate for Applicant.
- Mr.Anand R. Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MAY, 2021

(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1148/2020 registered with Fauzdar Chawdi Police Station, under sections 420, 109, 269, 336 of the Indian Penal Code, under sections 4 and 5 of Maharashtra Prevention of Gambling Act, under sections 66(d) of the Information Technology Act, u/s 51(B) of Disaster Management Act and under section 3 of the Epidemic Diseases Act.

2. Heard Mr.Ritesh Thobde, learned counsel for the Applicant and Mr.Anand R. Patil, learned APP for the State.
3. The allegations in the FIR are that on prior information, the police party raided first floor of Pearl Heights Apartment, Avanti Nagar-2, Solapur. It was found that the accused present in the flat were taking bets on IPL cricket matches. One Chetan Vannal and Vighnesh Gajul were found in that flat. They were making entries in their register and they were taking bets. They were arrested. The FIR mentions that they were conducting these activities with their accomplices Rajesh Kurapati, Atul Shivshetti and Pradip Karanje. The allegations against present Applicant are that during investigation accused Chetan led the police party to the house of the Applicant situated at Gulberga, Karnataka State. At the instance of that accused, the police party entered the first floor of that house where further instruments of gaming like laptops, tab, hotline box, laptop chargers etc. were found. Two accused namely Atul Shivshetty and Pradip Karanje were found there.

There were two vehicles parked outside that house. According to the accused Atul both these vehicles were used by him for carrying money received in the betting activities. The prosecution case is that the said house stood in the name of the present Applicant.

4. Learned counsel for the Applicant submitted that there are no allegations that the Applicant was part of the group of accused who were conducting these illegal betting activities. One of the other accused Bhimshankar Supekar, was granted bail by this Court vide order dated 11/01/2021 passed in Anticipatory Bail Application No.19 of 2021. He submitted that the reasoning in that order applies to the present Applicant's case and he also deserves the same protection.

5. Learned APP opposed this application on the ground that the said house where the instruments of gaming were found, was belonging to the present Applicant. However, he fairly conceded that apart from that the investigation did not

reveal participation of the present Applicant in the entire illegal activity of betting and receiving money.

6. I have considered these submissions. One of the accused Chetan had led police party to the house of the Applicant. Though the betting activities were conducted on the first floor, which was occupied by the accused Atul and Pradip the Applicant had given that portion on rent. However, no agreement in that behalf is on record. As of today there is nothing to show that the Applicant had any connection with the co-accused Atul except handing over possession of the particular portion of his house to him. In that view of the matter, there is scope to believe that other accused were conducting this activity without knowledge and active participation of the present Applicant. The reasoning given in the order passed in the case of Bhimashankar also applies to the present Applicant's case. Therefore similar reasoning can be extended to the present Applicant and he can be protected by an order of anticipatory bail order.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.1148/2020 registered with Fauzdar Chawdi Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)