

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

ANTICIPATORY BAIL APPLICATION NO. 2526 OF 2019

Dattatray Bhimrao Sathe	 Applicant
versus	
The State of Maharashtra	 Respondent
.....	
Mr. V. V. Purwant, Advocate for Applicant.	
Smt. J. S. Lohokare, APP for the State/Respondent.	
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CORAM : SARANG V. KOTWAL, J.
DATE : 12th FEBRUARY, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.275/2019 registered at Madha Police Station, Solapur Rural, Dist. Solapur dated 24th October 2019 under Sections 353, 323, 504, 506 of Indian Penal Code, 1860 and under Section 12A of Maharashtra Prevention of Gambling Act, 1887.

2. The F.I.R. is lodged by Police Constable Sanjay Gholave attached to Madha Police Station at the relevant time. On 24th

October 2019, the police party received a secret information that some persons were indulging in gambling activities at Annabhau Sathe Nagar. The police called panchas. They went to the room mentioned in the information. Some persons were seen indulging in card games and were indulging in gambling activities. Three persons were apprehended on the spot. The applicant was one of them. Two persons had escaped. There are allegations that the accused Santosh and Sharad were found with cash and some instruments for gambling. When the present applicant was being searched, he manhandled the Police Inspector present there. The accused obstructed and threatened him. All three of them including the present applicant were brought to the Police Station and the F.I.R. is lodged.

3. Heard Mr. V. V. Purwant, learned Counsel for the applicant and Smt. J. S. Lohokare, learned APP for the State.
4. Learned Counsel for the applicant submitted that he is falsely implicated. No such incident had taken place and the fact that the applicant was not arrested on the spot or at the Police Station, shows that the Police did not want to arrest him.

5. Learned APP opposed this application on the ground that the applicant's act of manhandling the Police Inspector cannot be overlooked.
6. I have considered these submission. This matter is pending since 2019. The applicant was protected by this Court (Coram : Prakash D. Naik, J.) vide Order dated 20th November 2019 since then, he was under protection. After lapse of a long period in the facts of this case, custodial interrogation of the applicant is not going to reveal anything further. Significantly the F.I.R. itself mentions that all the three apprehended accused were taken to Police Station. At that time, the applicant was not arrested. Therefore, there is no point in Investigating Agency arresting him after so much period for investigation. If he has committed offence, he can be convicted and sentenced. But at this stage, his custodial interrogation is not necessary.
7. In this view of the matter, following order is passed.

ORDER

- (i) In the event of his arrest in connection with C.R.No.275/2019 registered at Madha Police Station, Solapur Rural, Dist. Solapur, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)