

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

ANTICIPATORY BAIL APPLICATION NO.2348 OF 2018

1. Ramesh Lakhulal Chaurasia

2. Achal Ramesh Chaurasia

...Applicants

Versus

The State of Maharashtra

...Respondent

Mr. Aabad Ponda, Sr. Advocate a/w Mr. Akhilesh Dubey, Mr. Rajurak Kuleriya, Mr. Varad Dubey and Mr. Jayvant Avhad i/b Law Counsellors for the Applicants

Mr. H. J. Dedhia, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 13th SEPTEMBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-356/2018 registered with the Shivaji Nagar Police Station, Thane, for the alleged offences punishable under Sections 4(a), 5 of the Prevention of Gambling Act; under Sections 7, 8 and 9 of the Lottery Regulation Act and under Section 420 of the Indian Penal Code.

3 Perused the papers. Vide order dated 14th November 2018, interim protection was granted to the applicants by a Vacation Court of this Court (Coram : M. S. Karnik, J.), which was continued from time to time. The complaint has been lodged by PSI-Vijay Rathod attached to Shivaji Nagar Police Station, Thane. According to the complainant, representation was made to the Deputy Commissioner of Police, Thane by one Sharad Shivaji Jadhav of the all India Federation of Lotteries Trade and Allied Industries alleging therein that some persons were carrying on illegal gambling activities in Thane City and its vicinity. The said representation/complaint was forwarded to the Shivaji Nagar Police Station for investigation. According to the complainant, during investigation, on the basis of secret information, a raid was carried out at a shop near Ambarnath railway station. It is alleged that during the said raid, they found that online gaming facilities were provided in the said shop by using the machine and software of M/s. Gameking India Private Limited and that monetary transactions were made, which according to the complainant, was gambling. Accordingly, the muddemal articles were seized from the said shop and five persons including the shop owners were apprehended.

4 Learned senior counsel for the applicants submitted that the applicants were arraigned in the said C.R by virtue of they being the Directors of M/s. Gameking India Private Limited. Learned senior counsel relied on Form 32 on pages 43 and 45 to show that both the applicants had tendered resignation on 17th March 2018, much prior to the raids conducted by the police. Be that as it may, in the facts, custodial interrogation of the applicants is not warranted. It appears that investigation in the said case is complete and that charge-sheet is filed against the other co-accused, except the present applicants, since their aforesaid anticipatory bail application pending.

5 Learned A.P.P does not dispute the filing of the charge-sheet *qua* the other co-accused.

6 In the facts, having regard to what is stated aforesaid, the application is allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each, with one or two sureties in the like amount;

(ii) The applicants shall not tamper or attempt to contact or influence the complainant, witnesses or any person concerned with the case.

(iii) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicants to cooperate with the trial Court in the conduct of the case.

7 The application is accordingly disposed of in the aforesaid terms.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.