

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO. 137/2021
(Mangal Vitthal Khade vs. State of Maharashtra: Th. PSO, PS Wani
Dist. Yavatmal)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr. N.B. Rathod, Advocate for the applicant
Ms. Nivedita Mehta, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th March, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking regular bail, for offence punishable u/ss. 420, 465, 468, 471, 269, 188 of the Indian Penal Code and u/ss. 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 registered at Police Station Wani, Dist. Yavatmal, in respect of Crime No. 29/2021.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that on 13.1.2021 on receipt of a confidential information, the police raided the premises wherein as many as ten persons were found with mobile phones, letters-pads, pen in their hands and noting the numbers and gambling. It is submitted that nine accused were arrested on the spot whereas one of the accused was arrested later on.

4. Learned Advocate for the applicant contended that the out of ten accused, nine have been released on bail by the trial Court, however, the bail application of the present applicant has been rejected.

5. Learned APP opposed the Application contending that the applicant is having certain criminal antecedents to his discredit.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution and considering that the co-accused have been enlarged on bail by the court below, so also taking into consideration the nature of offence, I am of the opinion that the applicant can be released on bail by imposing certain terms and conditions. Only because the applicant is having criminal antecedents that cannot be the ground for refusal of bail, particularly when the co-accused having similar role, are enlarged on bail. Hence the order :-

ORDER:

The applicant-Mangal Vitthal Khade, be released on bail for offence punishable u/ss. 420, 465, 468, 471, 269, 188 of the Indian Penal Code and u/ss. 4 and 5 of the Maharashtra Prevention of Gambling Act 1887, registered at Police Station Wani Dist. Yavatmal, in respect of Crime No.29/2021, on his executing a PR bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one or two solvent sureties in the like amount, on the following conditions :-

(i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.

(ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.

(iii) He shall not tamper with the prosecution witnesses in any manner.

(iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.

(v) He shall not indulge himself in similar type of offence, in future.

(vi) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

(vii) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

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