

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

ANTICIPATORY BAIL APPLICATION NO. 3212 OF 2021

Ronak Mukesh Rawal	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sagar A. Shah a/w. Kapil P. Shah i/b. MK Juris Associates for Applicant.

Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 75 of 2021 registered at Kasturba Marg Police Station, Mumbai, on 16/09/2021, under sections 4(1), 7(3), 8 and 9 of the Lotteries (Regulation) Act, 1998 and Sections 4(A) and 5 of the Maharashtra (Prevention) of Gambling Act, 1887.

2. Heard Shri. Sagar Shah, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Sachin Patsupe, who was police constable working

with Social Service branch with the police. He has stated that he was working with Crime Detection branch on the day of conducting raid i.e. on 16/09/2021. On that day, he joined his duty. The police officers received a secret information that in Mumbai and Maharashtra, at different places online lottery by name Rajwin Art and Skill Game was being conducted. There was no licence, no permission for that business. The agents were given certain commission for that business. The information further mentioned that one such center was situated at Borivali (East) by the name Shree Katileshwari Forture Online Lottery Center. The police officers arranged to conduct raid. The panchas were called. One of the police constables was told to act as bogus customer. He was given a 100 rupee note. Its number was noted. The raiding party went there. The bogus customer went to that center, gave money to the Manager and placed his bet on one of the numbers. He received a printed coupon. The numbers on which he had placed his bet were not winners and, therefore, he could not receive his money. One of the panchas then gave signal to the raiding party. They went inside and raided the premises. The

persons present there including Manager Arun Shetty were arrested. The raid showed that it was an illegal online business for which software was installed by the applicant. Manager Arun Shetty informed that he was deducting 6% commission from the business and remaining amount received in a day was handed over to one Rohan. The prosecution case is that, that Rohan @ Ronak is the present applicant. The telephone number of the applicant was also mentioned in the F.I.R. as given by Arun Shetty. Further inquiries were made and the amount collected on that day was recovered including the marked note which was handed-over by bogus customer to the Manager. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that the applicant is a student. Other accused were arrested and were released on bail. The articles used for lottery purposes are already seized. Custodial interrogation of the applicant is not necessary.

5. Learned APP opposed this application. She submitted that the F.I.R. itself mentions applicant's specific role. The applicant had installed the software and he used to collect the business amount which was received during the day after giving

commission to the Manager. Thus, the applicant is kingpin and mastermind of the entire operation. She submitted that the co-accused Arun Shetty and Santosh Thakur had specifically given role of the applicant.

6. I have considered these submissions. At this stage, the investigating agency has definite material against the applicant. The role of the applicant is mentioned in the F.I.R. itself. The co-accused have given his role and his case is that the applicant was collecting the entire amount after deducting 6% commission. He thus was accepting major business amount collected on that day. Thus, applicant's role is made out. His custodial interrogation is necessary. No case for grant of anticipatory bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)