

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

ANTICIPATORY BAIL APPLICATION NO. 3009 OF 2022

Shri. Vaibhav Sadanand Khedekar Applicant
v/s.
The State of Maharashtra Respondent

Mr. Sanjeev Kadam a/w. S.S. Kadam i/b. Ditendra
K. Mishra for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd NOVEMBER, 2022.

P. C. :-

. The Applicant has filed this Application under section 438 of Cr.P.C. apprehending his arrest in C.R.No.270/2022 registered with Khed Police Station, Ratnagiri for offences punishable under sections 420 r/w 34 of the Indian Penal Code and sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d) and 4(1)(2)(3) of Maharashtra Lotteries (Control and Tax) and Prize Competitions (Tax) Act, 1958 and Section 7(3) of Lottery Regulation Act, 1998.

2. The aforesaid crime was registered against the Applicant pursuant to the First Information Report (FIR) lodged by Arbaz Asgarali Bade. The case of the prosecution in brief is that the Applicant

who is a member of Khed Municipal Corporation and also President of Rajvaibhav Pratishtan Trust had unauthorizedly and illegally collected huge amount from people by arranging lucky draw. It is stated that the Applicant had conducted lottery draw and had distributed gifts and other articles to the winners of the lucky draw without obtaining permission of the Charity Commissioner. It is stated that the Applicant has not given details of the money received by him and that he has cheated the public at large. On the basis of the said allegations, the aforestated crime came to be registered.

3. The Applicant had not conducted the lottery individually but conducted the lottery draw on behalf of the Trust. The Applicant has placed on record Audit Report for the year 2022.

4. The Applicant is already on interim bail and he has co-operated with investigation. No case made out for custodial interrogation. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.270/2022 registered with Khed Police Station, Ratnagiri, he shall be released on bail on furnishing bail bonds

in the sum of Rs.20,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for four days from 28/11/2022 between 11:00 a.m. to 01:00 p.m. and as and when required by the Investigating Officer ;

(c) The Applicant shall not interfere with the complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

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(SMT. ANUJA PRABHUDESSAI, J.)