

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.20 OF 2023

1. Kisan Dagadu Pingale
 2. Karan S/o. Ashok Pingale
- Applicants

Versus

The State of Maharashtra
and another

.... Respondents

.....

Ms. Kavita S. Bhale, Advocate for the Applicants
Mr. V.S. Badakh, APP for Respondents – State

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 09th JANUARY, 2023

ORDER :

1. After arguing extensively on merits, when this Court was not inclined to grant relief to applicant No.2, learned advocate for applicants, on instructions, seeks permission to withdraw application to the extent of applicant No.2.

2. Permission granted.

3. Application of applicant No.2 Karan S/o. Ashok Pingale is dismissed as withdrawn.

1. Applicant Kisan Dagadu Pingale apprehends his arrest in connection with Crime No. 144 of 2022 registered with Gondi Police Station, District Jalna for offences punishable under sections 353, 394 of the Indian Penal Code and section 12(A) of Maharashtra Prevention of Gambling Act, 1987.

2. FIR is lodged by Police Constable Santosh Tukaram Doiphode. It is alleged that on secret information, the police party effected a raid in *Khandoba* fair near the temple below banyan tree, where some persons were found gambling. Accused No.1 Ashok Pingale and Pashabhai Chandbhai Pathan were found gambling. They seized the articles used in gambling, and an amount of Rs.2,000/-. When the police party was leaving the spot, present applicant Kisan Pingale and Rajubhai Chandbhai Pathan came there along with a mob. The present applicant instigated the mob by plying *duff*. The other accused persons obstructed the police party from discharging their official duty and snatched the seized articles and case, and fled from the along with main accused Nos. 1 and 2.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. Accused No.1 Ashok Pingle was granted anticipatory bail. He has produced gambling articles. Taking into consideration the role attributed to the applicant in the present crime, nothing is to be recovered from the applicant, and pre-trial custodial detention is not necessary in the facts of present case.

5. In the result, application is allowed. In the event of arrest of the applicant in connection with Crime No.144 of 2022 registered with Gondi Police Station, District Jalna for offences punishable under sections 353, 394 of the Indian Penal Code and section 12(A) of Maharashtra Prevention of Gambling Act, 1987, the applicant shall be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

6. Till the filing of charge-sheet, the applicant shall attend the concerned police station on every Saturday and Sunday between 10.00 a.m. to 12.00 noon and shall co-operated in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane