

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 667 OF 2022

1. Shridhar S. Kamble
2. Shahrukh R. Lad ...Applicants
V/s.
The State of Maharashtra ...Respondent.

Mr. Khalid Azmi i/b Vakils and Associates for the Applicants.
Mr. Amit Palkar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 08.02.2023.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicants came to be arrested in Crime No.136 of 2019 registered at Rajarampuri Police Station, Kolhapur for the offences punishable under Sections 109, 120-B 143, 147, 149, 155, 332, 353, 307, 395, 427 and 420 of the Indian Penal Code, 1860, Section 21(2), 21(3) and 23 of the Banning of Unregulated Deposit Schemes Act, 2019, Sections 4 and 5 of the Maharashtra Prevention of Gambling Act 1887, Section 65(e) of the Maharashtra Prohibition Act, 2016, Section 37(3) read with 135 of Bombay Police Act, 1861 and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act, 1999.

3. On 8.4.2019 pursuant to secret information, raid was conducted by the police personnels of Karvir Police Station,

Kolhapur at the Matka (Gambling) Den of Salim Yashin Mulla - accused No.26. It is alleged that while the police personnels were drawing panchanama of incriminating articles which were found during the raid, the wife of accused No.26 namely Shama Salim Mulla - accused No.1 came there with other co-accused and they then assaulted the raiding party.

4. Initially, crime was registered for the offences punishable under Sections 307, 395, 143, 147, 349, 353, 332, 109, 324, 427, of IPC, Sections 4 and 5 of Maharashtra Gambling Act, Section 37 read with 135 of Police Act and Section 65(e) of Maharashtra Prohibition Act.

5. According to the prosecution, during the course of investigation the alleged crime was found to be committed by the organized crime syndicate formed by the accused No.26, who is involved in the offences of extortion, betting etc..

6. I have heard the learned counsel for the applicants and the learned APP for the respondent - State and perused the charge-sheet.

7. The witnesses have not attributed any overt act to the present applicants. *Prima facie*, there is no material to infer the involvement of applicants in Matka business of accused No.26. There are no other criminal antecedents. The applicants are in jail for about four years. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on bail. In the result, the following order is passed.

ORDER

A] Bail Application is allowed.

B] The applicants be released on bail in C.R. No.136 of 2019 registered at Rajarampuri Police Station, Kolhapur for the offences punishable under Sections 109, 120-B 143, 147, 149, 155, 332, 353, 307, 395, 427 and 420 of the Indian Penal Code, 1860, Sections 21(2), 21(3) and 23 of the Banning of Unregulated Deposit Schemes Act, 2019, Sections 4 and 5 of the Maharashtra Prevention of Gambling Act 1887, Section 65(e) of the Maharashtra Prohibition Act, 2016, Section 37(3) read with 135 of Bombay Police Act, 1861 and Sections 3(1)(ii), 3(2), 3(4), 3(5) of the Maharashtra Control of Organized Crime Act, 1999 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

[N.R.BORKAR, J.]