

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

ANTICIPATORY BAIL APPLICATION NO.542 OF 2023

Mulchand Sampatlal Chordia ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Swapnil R. Chopade for the Applicant.

Mr. Shrikant Yadav, APP for the Respondent -State.

Mr. Ganesh Shete, PSI, Kalachowki Police Station, present.

Mr. Suraj Patil, PSI, Juhu Police station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R. No.571 of 2022 registered with Kalachowki Police Station, for the offences punishable under Sections 420 r/w 34 of the IPC and Sections 4(a),5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 25(c) of Indian Telegraph Act.

2. Heard Mr. Chopade, learned counsel for the Applicant and Mr. Shrikant Yadav, learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the

learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Mr. Laxman Bhimrao Khandekar, Police Head Constable attached to Kalachowki Police Station. The allegations in the FIR are that co-accused Jitendrakumar Jogilal Jain was involved in betting. Hence, crime came to be registered against co-accused. Name of the Applicant does not appear in the FIR.

4. Considering the nature of accusations, this Court (Coram : M.S. Karnik, J.) by order dated 23/02/2023 had granted interim protection to the Applicant. Learned APP states that the Applicant has been reported to the Investigating Officer and that he has been interrogated. It is stated that the Applicant has not yet submitted bank statements. Learned counsel for the Applicant states that the Applicant shall co-operate with the investigation and shall furnish bank statements.

5. Considering the nature of accusations, in my considered view this is not a fit case for custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.571 of 2022 registered with Kalachowki Police Station, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days from 10/04/2023 between 10.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner.
- (iv) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)