



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1309 OF 2023**

Hemant Ishwani

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Tabish Mooman, for Applicant.
Smt. Ashwini Takalkar, APP for State.
PSI Chetan More, Khar police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 17 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.314 of 2023 registered with Oshiwara Police Station for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, Sections 4(a) and 5 of the Maharashtra Gambling Prohibition Act, Sections 66© and 66(D) of the Information Technology Act and Section 25 of the Arms Act.
3. On 2 May 2023, this Court was persuaded to grant interim bail observing, inter alia, as under :

“4. Learned APP states that the said room was in possession of the applicant. A perusal of the statement of the owner of the said room prima facie reveals that the applicant had taken the room on rent in April, 2022. In February 2023, he had left the room stating that he was going out of Bombay and he has requested the owner to allow his friend – Rohit to occupy the said

room. Accordingly, the owner had entered into an agreement with said Rohit. It is stated that the website was opened and that the money paid by the several persons was credited in the account of Chawda Consultancy, the proprietorship concern of Amit Chawda. At this stage, there is no prima facie material to indicate that the applicant was involved in opening the said account or that he has any association with Chawda Consultancy of Amit Chawda. The question whether the applicant was the beneficiary, is yet to be ascertained. Apart from the statement of the co-accused, at this stage, there is no material to show the involvement of the applicant in the aforesaid crime. Considering the above, this is a fit case for interim bail.”

4. The learned APP, on instructions of the Investigating Officer, submits that the applicant has appeared before the Investigating Officer pursuant to the directions in the aforesaid order.

5. I have perused the allegations in the FIR. The reasons which weighed with this Court while granting interim bail, persuade the Court to make the order of interim bail absolute.

6. Hence, the order granting interim bail dated 2 May 2023 is made absolute on the terms and conditions incorporated therein.

7. The applicant shall henceforth appear before the Investigating Officer as and when directed.

8. The Applicant shall regularly attend the proceedings before the jurisdictional Court.

9. The Application stands disposed.

(N.J.JAMADAR, J.)