

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

ANTICIPATORY BAIL APPLICATION NO.1445 OF 2023

Vishal Rajkumar Jagtiani

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Aabad Ponda, Senior Counsel with Mr. Prem Goda, Mr. Vishesh Srivastav, Mr. Bhoomesh Bellan and Mr. Nikhil Waje for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Mr. Dilip Tejankar, PI, Unit-XII, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th JULY, 2023.

MEGHA
SHREEDHAR
PARAB

Digitally signed by
MEGHA SHREEDHAR
PARAB

Date: 2023.07.10
18:37:06 +0530

P. C. :-

1. The Applicant seeks pre-arrest bail in C.R. No.702 of 2022 registered with Matunga Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468 and 471 r/w 34 of the IPC, Sections 4(a) and 5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 25(c) of the Indian Telegraph Act, 1885.

2. Heard Mr. Ponda, learned senior counsel for the Applicant and Ms A.A. Takalkar, 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. It is the case of the prosecution that some people were involved in online betting during T20 match between England and Pakistan. It is stated that Room No.109, Second floor of Hotel Happy Land was raided. Two persons were taken into custody. The mobiles of the said two persons were seized and they revealed several whatsapp chats with various bookies and online password with online booking amount

4. The allegations against the Applicant are that he had provided link -www.playexch.com of the betting site. Learned APP states that the Applicant was also involved in procuring several sim cards.

5. It may be mentioned that offences under Sections 4(a) and 5 of the Maharashtra Prevention of Gambling Act are bailable. Mr. Ponda, learned senior counsel for the Applicant has placed on record order dated 25/11/2019 wherein this Court (Coram: Sandeep K. Shinde, J.) has observed that the offences under Indian Telegraph Act, are also bailable in nature and it is punishable with imprisonment upto three years. Mr. Ponda states that pursuant to the order dated

19/05/2023 the Applicant had reported to the Investigating Officer and that he has been interrogated. He has not been questioned on the sim cards. He further submits that the Applicant has business in Srilanka and that he has to visit Srilanka frequently for the business purpose. Mr. Ponda, makes a statement that the Applicant shall appear before the Investigating Officer as well as before the Court as and when required, on receiving notice of three days. Statement is accepted.

6. Be that as it may, the FIR as well as the other material on record does not prima facie make out case of cheating and forgery.

7. Under the circumstances, this would be a fit case to exercise discretion under Section 438 of the Cr.PC. in favour of the Applicant. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.

No.702 of 2022 registered with Matunga Police Station, Mumbai, he shall be released on furnishing PR bonds in the sum of Rs.50,000/- with one or more sureties to the like amount;

- (ii) The Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation on receipt of notice of three days.
 - (iii) The passport submitted by the Applicant to the Investigating Officer be returned to him.
 - (iv) The Applicant shall cooperate with the investigation;
 - (v) The Applicant shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case.
 - (vi) 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.
8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)