



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

ANTICIPATORY BAIL APPLICATION NO. 2529 OF 2023

Mallesh Poojari Ghangeri ...Applicant
Versus
The State of Maharashtra ...Respondents

Ms. Falguni Brahmabhat, a/w Farhan B., for the Applicant.
Smt. Ashwini Takalkar, for the State/Respondent.
API Kiran Kharat, Pantnagar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 5th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.590 of 2022, registered with Pantnagar Police Station, for the offences punishable under Sections 420, 294(A) read with Section 34 of Indian Penal Code, 1860 ("the Penal Code"), Sections 4(A) and 5 of the Gambling Act, 2005 and Sections 4 and 7(3) the Lotteries (Regulation) Act, 1998.
3. It appears that initially the learned Additional Sessions Judge had granted interim protection on 29th August, 2022 in ABA/1910/2022. However on 4th July, 2023 when the application was listed before the learned Additional Sessions Judge, it seems none appeared for the applicant and,

therefore, the learned Additional Sessions Judge was persuaded to reject the application after hearing the learned APP and upon considering the merits of the matter.

4. Evidently, the applicant was not heard on the merits of the matter. It would be appropriate that the applicant is provided an opportunity of hearing before the Court of Session as initially the Court had granted the interim protection to the applicant.

5. In view of the above, the applicant is granted liberty to file fresh application for pre-arrest bail before the Court of Session within a week.

6. The learned Sessions Judge shall decide the application on its own merits without being influenced by the observations made in paragraph 4 of the order dated 4th July, 2023.

7. Since the interim protection was in operation for almost nine months before the rejection of the application by the Court of Session, the said interim protection shall continue to operate for a period of four weeks from today.

8. In the event, it is not possible for the Court of Session to decide the application, to be filed by the applicant, within

the said period of four weeks, the prayer for ad-interim relief be considered and decided within the said period.

9. Application stands disposed.

[N. J. JAMADAR, J.]