

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

ANTICIPATORY BAIL APPLICATION NO. 3451 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Naresh Sajandas Rohra ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. R. D. Suryawanshi, i/b Amit Singh, for the Applicant.
Ms. Anamika Malhotra, APP for the State/Respondent.
API Ashok Shendage, Crime Branch, Thane City, present.

CORAM: N. J. JAMADAR, J.
DATED: 11th DECEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.383 of 2023, registered with Hill-line Police Station, Thane, for an offence punishable under Section 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Sections 4 and 5 of the Maharashtra Prevention of Gambling Act.
3. On 4th November, 2023 information was received that illegal betting was held at Mahadeo Cable Net/Enterprises, of which the applicant is the proprietor, over the Cricket World Cup matches. The police party conducted a raid at the said

premises. Co-accused were apprehended with incriminating articles. Documents evidencing gambling and passbooks and cheque books of a number of persons were also found. All the incriminating articles were seized. It transpired that the applicant was the kingpin of the gaming house. The applicant had induced many persons including the co-accused to hand over their passbooks and other credentials on the pretext of improving their CIBIL score and used those bank accounts for illegal betting operations.

4. The learned Counsel for the applicant submitted that the applicant has been roped in for being the occupant of the premises housing the office of Mahadeo Cable Net services, where the co-accused were allegedly found taking bets. Since the applicant was not present at the time of the alleged raid, the applicant cannot be arraigned for the offences punishable under the Gambling Act. So far as the allegations of cheating punishable under Section 420 of the Penal Code, the learned Counsel for the applicant submitted that on the basis of the statement of the co-accused and other persons, who claimed to have delivered the passbooks, cheque books and other credentials to operate the bank accounts, the personal liberty of the applicant cannot be deprived.

5. The learned APP resisted the application by forcefully submitting that the evidence has revealed that it was the applicant, who was mastermind of the gambling operations. Inviting the attention of the Court to the statements of the witnesses, who have disclosed the circumstances in which the applicant made them to deliver the bank passbooks and other credentials to operate their accounts, and the transactions of huge amounts in their accounts, the learned APP submitted that having regard to the magnitude of the amount involved in the betting, the applicant does not deserve exercise of discretion.

6. I have perused the allegations in the FIR and the statements of the witnesses. A list of the accounts allegedly used by the applicant for the betting transactions was also tendered for the perusal of the Court. It appears that huge transactions aggregating to lakhs of rupees were carried out in the accounts of those persons, who were made to deliver bank documents and other credentials. The Investigating Officer has till date examined few of those persons. They have specifically attributed the role of inducing them to part with their documents and use of their accounts by the applicant.

7. The aforesaid material on record coupled with the fact that co-accused alongwith incriminating articles and documents were found indulging in betting at the office premises of the applicant, makes out a strong *prima facie* case against the applicant. Custodial interrogation of the applicant is indispensable for a complete and effective investigation. The antecedents of the applicant also dissuade the Court from exercising the discretion in favour of the applicant. Release of the applicant on pre-arrest bail will cause grave prejudice to the interest of fair and effective investigation.

8. I am thus not inclined to exercise the discretion in favour of the applicant.

9. Hence the following order:

: O R D E R :

- (i) The application stands rejected.
- (ii) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]