

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

ANTICIPATORY BAIL APPLICATION NO.3370 OF 2023

Aman Kumar Singh	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Farooq Sothi, Advocate a/w. Rupali Sawant i/b. S.P. Associates for the Applicant.

Smt. M.H. Mhatre, APP for the Respondent-State.

Shri B.R. Gosavi, PSI ADC, Pimpri Chinchwad (Crime Branch) is present in the Court.

CORAM : SARANG V. KOTWAL, J.
DATE : 31st JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.148/2023 registered at Shirgaon Parandwadi Police Station, Pimpri Chinchwad on 27.5.2023 under sections 420, 465, 468, 471 read with 34 of IPC, under Section 4(a) of the Maharashtra Prohibition of Gambling Act and under Section 25(c) of the Indian Telegraph Act.

2. Heard Mr. Farooq Sothi, learned counsel for the Applicant and Smt. M.H. Mhatre, learned APP for the Respondent-State.

3. The FIR is lodged by the Police Constable Nitin Lokhande attached to Robbery Cell, Pimpri Chinchwad. He has stated that on 26.5.2023 on prior information they raided a flat in front of the MCA Cricket Stadium on Mumbai-Pune Expressway. The raiding party found four persons sitting in that flat taking the bets on the match which was going on at that time. The raiding party seized certain mobile phones and other gadgets used for taking the bets. It is mentioned in the FIR that the accused had procured SIM cards based on forged documents. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. There is not even direct or indirect connection of the Applicant with the alleged offence. The Applicant's anticipatory bail application was rejected because it was submitted before the Sessions Court that he had helped the others in procuring the SIM cards and he was the main culprit behind the offence.

5. Today the investigating officer is present in the Court and is instructing the learned APP. On his instructions,

learned APP has made a positive statement before the Court that there is no material against the present Applicant showing his direct or indirect involvement. Based on this statement, it appears that wrong submissions were made before the Sessions Court.

6. In this view of the matter, there is no reason to deny the protection under Section 438 of Cr.P.C. to the present Applicant. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.148/2023 registered at Shirgaon Parandwadi Police Station, Pimpri Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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Deshmane (PS)

(SARANG V. KOTWAL, J.)