

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

CRIMINAL BAIL APPLICATION NO. 2610 OF 2024

Nikhil Virchand Visariya ...Applicant

Versus

The State of Maharashtra ...Respondent

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Adv. A.S. Khandeparkar a/w Adv. P.A. Sharma, Adv. Nihir Dedhia, Mr. Rushikesh Bhasat, Mr. Rohit Mahadik, Ms. Apoorwa Khandeparkar, Mr. Vaibhav Kulkarni, Mr. Saurabh Mittal, Mr. Atharva L., Advocate for the Applicant.

Mrs. Savita Yadav a/w Mr. Pankaj Deokar, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 23rd JULY, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure, the Applicant is seeking bail in Crime No.107 of 2024, registered with Ozar Police Station, District : Nashik (Rural) for the offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 4(a), 5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 66(d) of the Information Technology Act, 2000.
3. The offence is related to online betting on IPL Cricket matches.

4. The learned Advocate for the Applicant states that the Applicant was not named in the FIR and he was not found in the hotel where from the Accused Nos. 1 and 2 were arrested.

5. As far as the Applicant is concerned, having gone through the FIR and the case dairy, it is evident that nothing was recovered from the Applicant and except the allegation that the Applicant is involved alongwith Accused Nos.1 and 2 in the alleged offence nothing is pointed out.

6. The Applicant is in custody from last two months.

7. Thus, considering the allegations against the Applicant, I am of the opinion that further custodial interrogation is not required and therefore, though the learned APP strongly opposing the application, I am of the opinion that the application needs to be allowed. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No.2610 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.107 of 2024, registered with Ozar Police Station, District : Nashik (Rural) for the offences punishable under Sections 420, 465, 467, 468, 471 r/w 34 of IPC, Sections 4(a), 5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 66(d) of the Information Technology

Act, 2000, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;

iii. The Applicant shall attend the Police Station on 1st and 16th day of each month between 10:00 am to 11:00 am till filing of the charge-sheet or for six months from today, whichever is earlier;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State for cancellation of bail in case of there is breach any condition or if the Applicant commits any serious offence;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exemption is granted by the trial.

vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)