

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

Anticipatory Bail Application No.519 of 2024

Jayesh Jagdish Soni

Age: 43 years, Occ: Jeweller

residing at 302, Arjun CHS Ltd.,

Near Sandu Garden, 9 Road,

Chembur, Mumbai-400 071.

... Applicant

Versus

The State of Maharashtra

(through Senior Inspector,

VP Road Police Station, Mumbai)

... Respondent

....

Dr Abhinav Chandrachud a/w Faran Khan, Mittal Munoth and
Anushka Jain for the applicant.

Mr Avinash A Naik, APP for the State.

PSI Dhorkule VP Road Police Station, Mumbai, is present.

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Coram: R.N. Laddha, J.

Date: 23 August 2024.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.72 of 2024, registered at VP Marg Police Station, Mumbai, for the offences punishable under Sections 419 and 420 read with 34 of the Indian Penal Code ('IPC'); Section 66(c) and (d) of the Information Technology Act, 2000, and Sections 4, 5, and 12 of the Maharashtra Prevention of Gambling Act.

2. The prosecution alleges that the applicant, in collusion with the co-accused, operated an online betting and gambling enterprise by creating user IDs and passwords through the Sky Exchange website, facilitating unlawful gambling activities.

3. Dr Abhinav Chandrachud, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime. Notably, all Sections except Section 420 of the IPC are bailable, and the FIR lacks specific details regarding cheating. The investigating agency has already seized the laptops and mobile devices allegedly used in the crime, and the applicant has fully cooperated with the investigation, attending the concerned police station. As nothing remains to be recovered or discovered from the applicant, his custody is unwarranted.

4. Mr Avinash Naik, the learned Additional Public Prosecutor representing the respondent/ State, contends that the offence is serious and amounts to substantial fraud. As the investigation approaches its conclusion, the learned APP expresses apprehension that granting bail to the applicant could lead to interference with evidence and witness influence.

5. Upon perusing the records, it appears that the applicant is accused of operating an illegal gambling business. However,

beyond the initial allegations in the FIR, *prima facie*, no material is available on record to link the applicant to the crime. The FIR lacks specific details, and all Sections except Section 420 IPC are bailable offences. Furthermore, the investigating agency has already seized the relevant electronic devices, and the investigation is on the verge of completion, with nothing further to be recovered or discovered from the applicant. The prosecution's apprehension that the applicant may tamper with the evidence or influence the witnesses can be addressed by imposing appropriate conditions. In light of these circumstances, the application deserves to be allowed. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in connection with CR No.72 of 2024, registered at VP Marg Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required and cooperate with the investigation.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application is disposed of accordingly.

[R.N. Laddha, J.]