

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1506 OF 2024**

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

**WITH
INTERIM APPLICATION NO. 2149 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 1506 OF 2024**

Mr. Amit Singh for applicant.

Mr. Balraj B. Kulkarni, APP for respondent-State.

Mr. Devang Thakkar a/w. Mr. Akshay Kataria for intervenor in IA/2149/24.

Mr. Shesh Pandurang More, PSI, Local Crime Investigation Branch, Kolhapur.

CORAM : MANISH PITALE, J.

DATE : 19th JUNE, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the State.

2. The applicant has approached this Court apprehending arrest in connection with FIR bearing No.0327 of 2024 dated 29.03.2024 registered at Shahupuri Police Station, District Kolhapur for offences under Section 4 and 5 of Maharashtra Prevention of Gambling Act, 1887 and Section 420 of Indian Penal Code, 1860 (IPC). Initially, the FIR was registered only under the provisions of the aforesaid Act. But, subsequently offence under Section 420 of IPC was added.

3. The learned counsel for the applicant, at the outset, pointed out that while the statement of the informant pertains only to alleged involvement of the applicant in betting during the IPL tournament on the basis of a raid carried out in Kolhapur, the offence under Section 420 of IPC has been added on the basis of a subsequent statement of one Sumit Pralhad Salve recorded during the course of investigation. On the basis of the statement of the witness about alleged misuse of his ATM card, the investigating officer is proceeding against the applicant.

4. It is submitted that such allegations have been made in other cases also against the applicant and in one such FIR registered at Hill Line Police Station, District Thane, after this Court had rejected the application for anticipatory bail filed by the applicant, in Special Leave Petition (Criminal) No.3673 of 2024 filed by the applicant, the Supreme Court, while issuing notice, has granted interim protection, subject to the applicant co-operating with the investigating agency.

5. It is specifically submitted that the applicant had co-operated with the investigating agency in the said case and that he had appeared before the Investigating Officer.

6. The learned counsel for the applicant read the statement of the informant, leading to registration of FIR and he submitted that the allegations made therein are typical and it appears that such allegations have been made against the applicant in other police stations as well, leading to registration of FIRs against the applicant. It is submitted that as per the said statement of the informant, who is a police officer, upon raid being conducted in District Kolhapur, it was found that certain persons were

indulging in betting while watching an IPL match live. Upon being confronted as to on whose behest, such an activity was carried out, the name of the applicant featured. This is the basis of the registration of the FIR.

7. The learned counsel for the applicant submitted that despite the specific allegations made in the aforesaid statement, subsequently Section 420 of IPC has been added on the aforementioned statement of witness Sumit Pralhad Salve. The *modus operandi* alleged by the said witness about the misuse of ATM card is exactly the allegation in the aforesaid FIR bearing No.0383 of 2023 registered at Hill Line Police Station, District Thane. It is submitted on behalf of the applicant that such repeated allegations are being made against the applicant in various police stations, only with a view to harass him and it is claimed that the said proceedings are being initiated by certain persons having grudge against the applicant. In this connection, the learned counsel for the applicant invited attention of this Court to the contents of the statement of the informant leading to registration of the aforesaid FIR at Hill Line Police Station, District Thane. It is submitted that this Court may take into consideration the said material to grant protection on the undertaking of the applicant that he shall co-operate with the investigation.

8. The learned APP has opposed the prayer made on behalf of the applicant by relying upon the said statement of Sumit Pralhad Salve, wherein the *modus operandi* adopted by the applicant has been described in detail, indicating as to the manner in which the applicant had been duping innocent persons. It is submitted that serious offences concerning the aforesaid Act and Section 420 of the IPC have been registered against the applicant and no case is made out for protection of the applicant.

9. This Court has perused the contents of the statement of the informant, leading to registration of FIR in the present case. It refers to the raid conducted at Kolhapur and the name of the applicant featuring as the person at whose behest, the activity of betting was being carried out. There is no reference to duping any person by misuse of ATM card. It is only during the course of investigation that for the first time, the aforesaid witness Sumit Pralhad Salve has made allegation against the applicant. A perusal of the said statement shows that according to the said witness, the applicant was known to him as a person running cable TV business. The applicant allegedly portrayed before the said witness that the cibil score of the said witness could be improved and since the said witness was in need of taking loan, he was lured into giving his ATM card to the applicant. It is alleged that the applicant stated that he would use the ATM card of the said witness for transactions pertaining to his business of cable TV and this would improve the cibil score, thereby increasing chances of the witness to avail loan facility.

10. A perusal of the statement of the informant, which led to registration of FIR No.0383 of 2023 dated 05.11.2023 at Hill Line Police Station, District Thane, shows that identical allegation has been made against the applicant. In the said case also, offence under Section 420 of IPC is registered, apart from the offences being registered under the said Act.

11. While this Court rejected the anticipatory bail application of the applicant concerning the said FIR registered at Hill Line Police Station, District Thane, on a challenge raised before the Supreme Court in the aforementioned special leave petition, the Supreme Court has granted

interim protection to the applicant, subject to the applicant co-operating with the investigating agency.

12. It is the specific case of the applicant that he is being harassed by certain persons by initiating such criminal proceedings in various districts in Maharashtra on identical allegations concerning betting as also *modus operandi* of misusing ATM cards of innocent persons on the pretext of increasing their cibil score.

13. This Court is of the opinion that in the present case, when the FIR was registered on 29.03.2024, on the basis of the statement of the informant-police officer, there was no whisper of the allegation pertaining to misuse of ATM card of innocent persons. The allegations pertained only to the applicant being the kingpin of a betting scam. The involvement of the applicant is alleged on the basis of the statement given by the co-accused person.

14. Considering the aforesaid material and particularly in the light of the fact that in another FIR concerning identical allegations, the Supreme Court has granted interim protection to the applicant and also taking into account the fact that the applicant is stated to be enjoying interim protection from the Sessions Court in another FIR registered in District Dhule, this Court is inclined to grant interim protection, while keeping the application pending.

15. In view of the above, following interim relief is granted:

- (i) In the event the applicant is arrested in connection with FIR bearing No.0327 of 2024 dated 29.03.2024 registered at Shahupuri Police Station, District Kolhapur for offences under Section 4 and 5 of

Maharashtra Prevention of Gambling Act, 1887 and Section 420 of IPC, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one surety in the like amount, subject to satisfaction of the trial court;

- (ii) the applicant shall remain present before the Investigating Officer on 25.06.2024 and 26.06.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when the Investigating Officer calls upon him to remain present.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

16. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

17. The application shall be listed for further consideration on 09.07.2024.

18. On the next occasion, the learned APP shall take specific instructions as to whether the applicant has co-operated with the investigation.

(MANISH PITALE, J)

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