



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.57 OF 2024

Vishal Manoharlal Thutheja

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Rajapeth,
Amravati

--Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. K. H. Kodani, Advocate for applicant.
Mr. S. S. Hulke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.938/2023 registered with Police Station, Rajapeth, Amravati for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, the applicant approached to this Court for grant of anticipatory bail.

2. The applicant is apprehending arrest at the hands of police, as crime is registered against the co-accused Jitesh Ramniklal Aadiya on an allegation that on the basis of secret information when the investigating agency has conducted a raid, he was found conducting betting and gambling on the Cricket match. During the raid, it further revealed that the present applicant has prepared the said link and provided it to the co-accused.

On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that except the statement of the co-accused, there is no material to connect the present applicant. The present applicant is a grocery merchant and besides the statement of the co-accused, no other material is there to connect the present applicant. He placed reliance on the orders of this Court passed in **Anticipatory Bail Application No.13/2023 (Makrand Balkrushn Kharat Vs. The State of Maharashtra)** at Principal Seat dated 02.03.2023 and **Anticipatory Bail Application No. 606/2019 (Devendra J. Bhanushali and another Vs. The State of Maharashtra)** decided on 12.03.2019 and submitted that in the similar circumstances, the applicant was protected by granting anticipatory bail. He further submitted that the incriminating material was already seized by the police. Now, custodial interrogation of the present applicant is not required.

4. Learned APP strongly opposed the application on the ground that during the investigation it revealed that the account of the said betting was forwarded to the present applicant, sufficiently shows his involvement in the alleged offence.

5. Considering the nature of the accusation, the applicant is roped on the basis of the disclosure by the

co-accused. The applicant can be protected by granting anticipatory bail, as custodial interrogation is not required, as incriminating articles are already seized. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Vishal Manoharlal Thutheja** be released on anticipatory bail in the event of his arrest in connection with Crime No.938/2023 registered with Police Station Rajapeth, Amravati for the offences punishable under Sections 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code and Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigation agency.
- (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)