

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 438 OF 2021

Vinod U. Patil ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
ANTICIPATORY BAIL APPLICATION NO. 439 OF 2021

Digvijay N. Patil ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Aditya R. a/w. Mr. Dnyanesh Patil i/b Mr. Metanshu Purandare
for the Applicants.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 30.01.2023.

P.C. :

1. Both these applications under Section 438 of Code of Criminal Procedure for anticipatory bail are filed in one and the same crime and thus they are being disposed of by this common order.

2. This Court on 15 February 2021 passed the following order:

1. The Applicants are seeking Anticipatory Bail in connection with C.R. No. 1607/2020, registered at Sadar Bazar Police Station, Solapur under Section 420 of the Indian Penal Code, under sections 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 and under Section 66(d) of the Information Technology Act.

2. In both these applications a common order is

passed today because subject matter of both these applications is the same offence.

3. The allegations in the FIR are that the police conducted raid on three centers where different people were found engaged in gambling activities. The FIR mentions three such centers. As per the allegations in the FIR, present applicants are Directors of Surbhi Broking Trading Private Limited and their company was engaged in such activities at Amar Auction Centre at Solapur.

4. Learned Counsel for the applicants submitted that the applicants company's registered offence is in Kolhapur. They have nothing to do with the centers where raids were conducted. Their company has business of auctioning rice and for that purpose certain figures are generated fixing the price. According to him, if such numbers are used by the offenders to conduct their gambling activities, the applicants cannot be held responsible.

5. Learned APP submitted that during the investigation, one of the co-accused has implicated the present applicants' company.

6. Learned Counsel for the applicant made an additional submission. According to him, except for Section 420 of the Indian Penal Code, all offences are bailable and that Section 420 of Indian Penal Code is not attracted in this case.

7. Learned APP seeks time to respond to this legal submission. Therefore, today I am adjourning the matter with interim protection to the present applicants. The applicants will have to attend the concerned Police Station and will have to show their bonafides. They shall co-operate with the investigation.

8. Hence the following order.

ORDER

(i) In the event of their arrest in connection with C.R.No. 1607 of 2020, registered with Sadar Bazar Police Station, District Solapur,

till the next date, the applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs. 30,000/- each (Rupees Thirty thousand only) with one or two sureties each in the like amount.

(ii) This order shall operate till 10/03/2021.

(iii) The applicants shall attend concerned Police station on 25th and 26th February 2021 between 1.00 p.m. to 5.00 p.m. and they shall co-operate with the investigation. In addition to this, the applicants shall attend the concerned Police Station as and when called and shall co-operate with the investigation.

(iv) Stand over to 10/03/2021."

3. The learned APP, on instructions, submits that the investigation is over, however, the charge-sheet could not be filed in view of the directions of this Court, not to file charge-sheet, in the petition filed by the applicants for quashing of the FIR. It is, thus, apparent that there is no need of custodial interrogation. Considering the overall facts and circumstances, I am inclined to allow the present applications. Accordingly, the interim order passed by this Court on 15 February 2021 is hereby confirmed.

4. The applicants shall attend the concerned police station once in a month, i.e., on first Saturday between 11:00 a.m. and 2:00 p.m. till filing of the charge-sheet.

5. Both the Anticipatory Bail Applications are disposed of.

[N.R.BORKAR, J.]