



IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 1798 OF 2022
CNR NO. : MHCC02-010968-2022

Sanjay Suresh Gambhire]
Age : 45 years, Occ.: Business,]
R/at :B 405, Deepak Paradise Umbarde Road]
Mhasoba Nagar, Kalyan W,]
Thane 421301.]...Applicant/accused

Vs.

The State of Maharashtra]
(Through DCB-CID, Mumbai)] Respondent

Appearances :-

Mr. Narendra Gharat, Ld. Advocate for the Applicant.

Ms. Ashwini Raikar, Ld. APP for the Respondent/State.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,
SHRI A.A. KULKARNI (C.R. NO.24)**

DATED : 15TH SEPTEMBER, 2022

(O R A L O R D E R)

(Dictated and pronounced in the open Court)

This is an application under Section 438 of Cr. P.C. for anticipatory bail. Heard Ld. Advocate for applicant and Ld. APP for the State. Perused the application, say and documents on record.

2. Ld. Advocate for the applicant submitted that on the basis of information, police effected raid at Mazgaon, Sewree area and found that some people were running Online Lottery Center. During raid they

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found some customers playing Online Lottery. Therefore, they arrested persons running Online Lottery Center as well as persons playing Lottery in Center. Thereafter, on the basis of information, PSI More attached to Sewree police station registered crime No.451/2022 under Sections 420, 34 of IPC r/w 4(A), 5 of Maharashtra Prevention of Gambling Act., Sections 4(A), 7(3), 8, 9 of Lottery Regulation Act. Thereafter, crime was transferred to DCB-CID for further investigation. Accordingly, they registered crime No.120/2022 under Sections 420, 34 of IPC r/w Sections 4(A), 5 of Maharashtra Prevention of Gambling Act., Sections 4(A), 7(3), 8, 9 of Lottery Regulation Act. Ld. Advocate for the applicant further submitted that applicant is falsely implicated in this case. Therefore, he is having apprehension of his arrest. It is his contention that he is no concern with the alleged offence. If he is arrested, he will suffer unnecessary harassment at the hands of police. He further submitted that in view of allegation in FIR, applicant's name is not appeared. No offence under Section 420 of IPC is attracted. Other offences areailable. Hence, prayed for grant of anticipatory bail in the event of his arrest.

3. Ld. APP and investigating officer filed say Exh.2 and opposed the application on the ground that applicant is owner of Play 2 Win Lottery Center. His custodial interrogation is required to search from where he has taken software for Online Lottery. If he is released on bail, there is possibility of tampering of evidence of prosecution. Hence, prayed for rejection of application.

4. In view of submissions of both sides, it revealed that allegation against applicant are of running unauthorized Lottery Center which is punishable under Section 7(3) of Lottery Regulation Act. There

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are no allegations about any type of gambling nor cheating as contemplated under Section 415 of IPC. Therefore, I am of the opinion that there are no sufficient grounds to attract offence under Section 420 of IPC. Other offences are punishable upto imprisonment of 2 years only. The grounds for custodial interrogation of applicant stated by investigating officer are not justified to reject the prayer of anticipatory bail. For the purpose of investigation, applicant may be directed to appear before investigating officer and with such condition, application may be allowed. Hence, I passed the following order :-

ORDER

1. Anticipatory Bail Application No.1798 of 2022 is allowed.
2. In the event of arrest in Crime No.120/2022 registered with DCB-CID, the applicant Sanjay Suresh Gambhire be released on bail on execution of P.R. bond of Rs.25,000/- with one or two sureties in the like amount on following conditions :-
 - a) Applicant shall attend DCB-CID office for two days in week i.e. on Monday and Friday between 11.00 a.m. to 2.00 p.m. for the period of three months and co-operate investigating officer in investigation.
 - b) The applicant shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
 - c) The applicant shall not leave India without previous permission of the Court.

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3. Anticipatory Bail Application No. 1798 of 2022 is disposed of accordingly.



Date : 15.09.202

[A.A. KULKARNI]
ADDITIONAL SESSIONS JUDGE
GREATER MUMBAI

Dictated on : 15.09.202
Transcribed on : 15.09.202
HHJ signed on : 15.09.202

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“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”		
Upload Date	Upload Time	Name of Stenographer
16.09.2022	5.00 p.m.	PRAJWALA V. PHODKAR
Name of the Judge (With Court Room No.)		HHJ SHRI. A.A. KULKARNI (CR 24)
Date of Pronouncement of JUDGMENT /ORDER		15.09.2022
JUDGMENT /ORDER signed by P.O. on		15.09.2022
JUDGMENT /ORDER uploaded on		16.09.2022