

:1:

MHCC020171832022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 2809 OF 2022**

Mr. Deepak Patel]
Age : 32 years, Occ.: Business,]
R/at : Room No.186, Suraj Patil Chawl,]
Near Saibab Mandir, Ghodbunder Road,]
Manpada, Thane West, Thane – 6070.]...Applicant/accused

Vs.

The State of Maharashtra]
(Through DCB-CID, Unit 11, Mumbai)] Respondent

Appearance :-

None for the Applicant.

Ms. Ratnavali Patil, Ld. APP for the Respondent/State.

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

DATED : 8TH FEBRUARY, 2023

(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. APP for the State. Perused the application, say and documents on record.

2. It appears that since filing of this application, Ld. Advocate for the applicant is absent. On perusal of application, it revealed that on the basis of information, police effected raid at MS Coupon, Plot No.59, Room No.60, Near Nagori Hotel, Malad (W), Mumbai and found that some people were running Online Lottery Center. During raid they

:2:

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, API Deepak Kamble attached to DCB-CID, Unit 11, Mumbai registered crime No.267/2022 under Sections 420, 34 of IPC r/w Section 4(A), 5 of Maharashtra Prevention of Gambling Act r/w Sections 4(A), 7(3), 9(1) of Lottery Regulation Act. It is contention of applicant that he is falsely implicated in this case. Therefore, he is having apprehension of his arrest. He has 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. Nothing is recovered at the instance of applicant. 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 running 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 perusal of application and submission of APP, it revealed that allegation against applicant is of running unauthorized Lottery Center which is punishable under Section 7(3) of Lottery Regulation Act. There are no allegations about any type of gambling nor cheating. 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. With such condition, application

:3:

may be allowed. Hence, I pass the following order :-

ORDER

1. Anticipatory Bail Application No.2809 of 2022 is allowed.
2. In the event of arrest in Crime No.267/2022 registered with DCB-CID, Unit 11, Mumbai, the applicant Deepak Patel 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, Unit 11, Mumbai 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) 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) Applicant shall not leave India without previous permission of the Court.
3. Anticipatory Bail Application No.2809 of 2022 is disposed of accordingly.



Date : 8.02.2023

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

:4:

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

Upload Date	Upload Time	Name of Stenographer
08.02.2023	3.35 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	08.02.2023	
JUDGMENT /ORDER signed by P.O. on	08.02.2023	
JUDGMENT /ORDER uploaded on	08.02.2023	