

MHCC020170612022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI
ANTICIPATORY BAIL APPLICATION NO. 2786 OF 2022**

Mr. Sandip Vaman Khute]
Age : 40 years, Occ.: Business,]
R/at : Jawalki, Post. Bolathan,]
Taluka, Nandgaon, Bolathan,]
Nashik, Maharashtra 423 106.]...Applicant/accused

Vs.

The State of Maharashtra]
(DCB-CID Unit VII, Mumbai.)] Respondent

Appearances :-

Mr. Dilip Shukla, Ld. Advocate for the Applicant.

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

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

DATED : 20TH DECEMBER, 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 Ghatkopar East on four places and found that some people were running Online Lottery Center. During raid they found some customers playing Online Lottery. Therefore, they arrested persons running Online Lottery Center as well

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as persons playing Lottery in Center. Thereafter, on the basis of information, Police Head Constable Deepak Purushottam Pawar attached to Pant Nagal police station registered crime No.755/2022 under Sections 420, 294-A, 34 of IPC 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, Unit 7 for further investigation. Accordingly, they registered crime No.121/2022. 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 has prepared 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 is that he prepared Software for 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 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

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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.2786 of 2022 is allowed.
2. In the event of arrest in Crime No.121/2022 registered with DCB-CID, Unit VII, the applicant Sandip Vaman Khute 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 VII 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.
3. Anticipatory Bail Application No. 2786 of 2022 is disposed of accordingly.



Date : 20.12.2022

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

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

Upload Date	Upload Time	Name of Stenographer
20.12.2022	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	20.12.2022	
JUDGMENT /ORDER signed by P.O. on	20.12.2022	
JUDGMENT /ORDER uploaded on	20.12.2022	