

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1406 OF 2015

Sandip s/o Jaywantrao Kokade ..APPLICANT

VERSUS

Superintendent of Police, Jalna
and anr. ..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for applicant;
Mr S.A. Ambad, A.P.P. for respondents

CORAM : N.W. SAMBRE, J.

DATE : 26th August, 2015

ORAL ORDER :

The present applicant suffered rejection of his prayer for pre-arrest bail, in connection with C.R. No.2 of 2013, registered with Police Station, Tembhurni, Taluka Jafrabad, District Jalna, for offences punishable under sections 409, 420, 467, 468 and 471 and 477 read with sec. 34 of the Indian Penal Code, by order dated 5th May, 2014, passed by Additional Sessions Judge, Jalna, in Criminal Misc. Application No.305 of 2014.

2. Brief facts are as under :-

Accused nos.12 to 15 are owners of 7 Hectares and 27 Ares, part of which was acquired and award to that effect was passed. Complainant Ramkisan Jijarao Bankar filed a complaint case, alleging that though the

land referred above was acquired, the present applicant has processed and has granted 'no objection certificate' for conversion of the said land for non-agricultural use. Perusal of the complaint reflects that against the present applicant and accused no.10, who was a Circle Inspector, the accusations were about issuance of 'no objection certificate'.

3. The file for issuance of 'no objection certificate' was prepared and recommended by accused no.10, who was protected by the Sessions Court. The said order is not assailed by the investigating agency.

4. The accusations against the present applicant are similar to that of the accusations against accused no.10 Circle Inspector.

5. One more aspect of the matter of which this Court must take note of is that pursuant to an order passed under section 156 (3) of the Code of Criminal Procedure on 19th March, 2013, first information report came to be lodged and offence came to be registered on 28th March, 2013 against the present applicant. The learned Additional Sessions Judge, Jalna rejected the prayer of the present applicant for grant of pre-arrest bail vide order dated 5th May, 2014.

6. Since the date of registration of the offence against the present applicant, i.e. 28th March, 2013 till date, the applicant has neither been arrested nor any proceedings have been initiated against him, as an absconding accused.

7. The other aspect of which this Court must take note of is that about the acquisition of the land in question, perusal of 7/12 extract of the relevant date which is produced at Exh."C" (page 19) does not reflect any entry as regards acquisition proceedings.

8. *Prima facie*, it is noticed that the case of the present applicant is at par with accused no.10. In view of the fact that the applicant was not arrested from 28th March, 2013 and accused no.10 who is already protected, in my opinion, it will be appropriate to allow the present application, on following terms :-

Criminal Application stands allowed.

In the event of arrest of the applicant, in connection C.R. No.M-02 of 2013, registered with Police Station, Tembhurni, Taluka Jafrabad, District Jalna, for offences punishable under sections 409, 420, 467, 468 and 471 and 477 read with sec. 34 of the Indian Penal Code, he be released on bail on furnishing P.R. Bond of Rs.25,000/- with one surety of

the like amount. The applicant shall attend the concerned police station initially for a period of two weeks on every alternate day and thereafter as and when called for by the Investigating Officer. He shall co-operate with the investigation.

(N.W. SAMBRE, J.)

amj