

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 3402 OF 2015.

BHIKAJI S/O SHESHERAO GHUGE.
VERSUS
THE STATE OF MAHARASHTRA & ORS.

Appearance =>

Mr. Kiran B. Jadhavar, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th July, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. 94/2015 registered with Osmanabad (City) Police Station, Osmanabad, District – Osmanabad for the offences punishable under Section/s 167, 467, 468, 420, 471 read with 34 of the Indian Penal Code.

[2] Heard Mr. Kiran B. Jadhavar, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State of Maharashtra, in extenso.

[3] Mr. Kiran Jadhavar, learned counsel submits that, present Applicant is serving as Deputy Collector, therefore, he will be available to the course of justice. He further submitted that, Applicant

has not done any wrong and he is falsely implicated in the present Crime.

Mr. V.H. Dighe, learned Additional Public Prosecutor has opposed the application.

[4] First Information Report is lodged by Pralhad Mahada Mugale. From the First Information Report, it is clear that the first informant is uneducated, rustic person and is small land holder. According to the First Information Report, inspite of fact that, the complainant is the owner of the land, which was acquired by the Government, present Applicant in connivance with the co-accused who is cousin of the complainant has purposefully given the amount of compensation to Narayan Bali Mugale and, thereby has committed the offence.

[5] The learned Additional Public Prosecutor has pointed out that on 31st August, 2013, Deputy Collector has passed the Award under Section 11 of the Land Acquisition Act in respect of land Survey No.77/101/02, acquired area 10 Are and Gat No.78/79/02, acquired portion 9 Are. As per the Award, the land owner - Complainant – Pralhad was entitled to received the compensation to the tune of Rs.5,32,540/-.

[6] Present Applicant, who is Deputy Collector was expected to disburse the said amount of compensation to the owner of acquired land and the person in whose favour the Award was passed by the Land Acquisition Officer. It is not disputed by the present Applicant that, Award was passed in the name of Pralhad. According to the

learned counsel for the Applicant, report of Deputy Superintendent of Land Record, Tuljapur shows that, the complainant is not having possession over the lands however, Narayan Bali Mugale to whom compensation is disbursed is in possession and same is the basis for disbursement of amount of compensation in his favour.

[7] The learned counsel for the Applicant has candidly submitted that, only the owner and person in whose favour the Award is passed is entitled to receive the compensation. It does not lie in the mount of the responsible officer like the Applicant, who is Deputy Collector to submit that, because the acquired portion of land was not in possession of the complainant, therefore, compensation amount is not given to him.

[8] In that view of the matter, no case is made out for grant of anticipatory bail. Hence, I pass the following order :-

ORDER

- (i) Criminal Application is dismissed.
- (ii) Interim order dated 2nd July, 2015 passed by this court stands vacated.
- (iii) With this Criminal Application is dismissed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)