IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

Criminal Application No.4010 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Appa s/o Pundlik Bankar & Anr. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. P.V. Ambade, Advocate, for respondent No.1.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.2.

With

Criminal Application No.4012 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Raghuvir Ganpatrao Yadav & Anr. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. R.S. Deshmukh, Advocate with Shri. M.K. Deshpande, Advocate, for respondent No.1.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.2.

With

Criminal Application No.4014 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Rameshwar s/o Ambadas Korde
And Another. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. R.S. Deshmukh, Advocate with Shri. M.K. Deshpande, Advocate, for respondent No.1.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.2.

With

Criminal Application No.4032 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Sanjay Sitaram Gaikwad & Anr. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. N.B. Suryawanshi, Advocate, for respondent No.1.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.2.

With

Criminal Application No.4033 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Gautam Jugraj Duggad
And Others. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. Anil S. Bajaj, Advocate with Shri. N.B Suryawanshi, Advocate, for respondent Nos.1 to 4.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.5.

With

Criminal Application No.4036 of 2013

Ramkisan Jijarao Bankar. .. **Applicant.**

Versus

Bhaskar s/o Kashinath Jadhav
And Another. .. **Respondents.**

Shri. Sudarshan J. Salunke, Advocate, for applicant.

Shri. R.S. Deshmukh, Advocate with Shri. M.K. Deshpande, Advocate, for respondent No.1.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 25th FEBRUARY 2015

ORDER:

1) All the applications are filed under section 439(2) of the Code of Criminal Procedure for cancellation of relief of anticipatory bail granted by the Sessions Court in favour of the respondents of the proceedings. The relief is granted in CR No.M-2/2013 registered for offences punishable under sections 420, 467, 468, 471, 409, 477, 34 etc. of the Indian Penal Code. Private complaint was filed by applicant of all the present proceedings and in the private complaint direction was given by the learned Judicial Magistrate, First Class, under section 156(3) of the Code of Criminal Procedure to make investigation. Both sides are heard. Learned Additional Public Prosecutor supported the applicant and submitted that the relief needs to be cancelled by setting aside the orders made in favour of the respondents.

2) The respondent Shri. Appa Bankar from Criminal Application No.4010/2013 was working as Cadestral Surveyor. The respondent Shri. R.G. Yadav from

Criminal Application No.4012/2013 was working as Executive Engineer. The respondent from Criminal Application No.4013/2013 Shri. Mansing Rathod was working as Circle Officer. The respondent from Criminal Application No.4014/2013 Shri. Ramkishan Bankar was working as Sectional Engineer. The respondent from Criminal Application No.4032/2013 Shri. Sanjay Gaikwad was working as Sub Divisional Officer. The respondents from Criminal Application No.4033/2013 Shri. Gauttam Duggad, Smt. Sunita Duggad, Ashok Jain, Mangala Jain are the purchasers of the land which was on record acquired for construction of percolation tank and the respondent from Criminal Application No.4036/2013 Shri. Bhaskar Jadhav was working as Sub Divisional Engineer at the relevant time.

3) There was project of the State Government to construct a percolation tank in land Gat No.86 and it was numbered as Percolation Tank No.4. The amount of Rs.26,88,600/- was sanctioned for this project. Land was standing in the names of Smt. Punjabai Magar and Smt. Sundrabai Khandebharad. Smt. Magar had died on 7-2-

2004 and Smt. Khandebharad had died on 2-6-1996. There are allegations that even when these two ladies were dead, the officers involved in the acquisition proceedings (who are from Revenue Department) created record that they had given consent for acquisition and officers had taken possession of this land admeasuring 3.71 hectares on 14-4-2007. Thumb impressions of these two ladies were shown on the record of taking of the possession.

4) There are allegations against the Executive Engineer, the Sectional Engineer and the Sub Divisional Engineer who are from Minor Irrigation Department and who were representing the acquiring body that they created false record of construction of percolation tank. At every stage they supplied false information to the Government. To the Collector it was informed that area of 3 hectares was required but the possession receipt of 3.77 hectares was prepared and at the end it was shown that 77 R land was utilized.

5) There is allegation against the Executive Engineer, the Sub Divisional Engineer and the Sectional Engineer that when the percolation tank was to be

constructed departmentally, they did not make construction of the percolation tank in land Gat No.86 but they prepared the record like measurement book and the bills and they withdrew amount and they misappropriated the amount which was around Rs.18 lakh.

6) There are allegations that accused Shivaji Adhe, respondent Appa Bankar (Cadestral Surveyor) and Shri. Gundale, another accused from Land Survey office that they made the marking of the percolation tank on the record of Gat No.86 even when the tank was not actually constructed they created false record of construction of the percolation tank. There is allegation that they prepared three different maps in respect of Gat No.86 on three different occasions. Subsequently they issued certificate to purchaser showing that there was no such tank.

7) There are allegations against the purchasers, Duggad, Jain, that they knew that there was acquisition proceeding in respect of land Gat No.86 and the land was actually acquired for construction of percolation tank but

they joined hands with revenue officers and they created false record due to which they were in a position to purchase this land from the successors of the aforesaid two deceased owners.

8) There is allegation against Talathi, one of the accused, that he supplied 7/12 extract showing that there was no acquisition when the land was taken in possession on 14-4-2007 and as per the procedure it was necessary to make such entry on the revenue record. There is allegation that by using this record subsequent actions were taken by the purchasers. There is also allegation against Circle Officer of creation of false record of service of notices of acquisition proceeding as owners were dead.

9) There is allegation that the purchasers applied to the various departments including the office of the Land Acquisition Officer and they got certificates that the land was not liable to acquisition and it was not acquired. There is allegation that the Revenue Circle Officer and the Talathi created the record which was subsequently used in the office of the Sub Divisional Officer for getting N.A.

permission, the permission for converting the agricultural land for non agricultural use. There is allegation against the Sub Divisional officer, Gaikwad that even when there was percolation tank on the record, he gave N.A. permission.

10) There is allegation that the Land Acquisition Office issued false certificate and that was used in the office of the Sub Divisional Officer for issuing N.A. certificate. There is allegation that the office of the Cadestral Surveyor also issued certificate showing that there was no acquisition and the land was clear and due to which N.A. permission was given.

11) There is allegation against Shri. S.S. Gaikwad, Sub Divisional Officer that even when entire record was of the Government and it was very much available, probably for making illegal gain sanctioned the layout for development of the property and issued N.A. certificate.

12) There is allegation against the Executive Engineer Shri. R.G. Yadav that when he was the officer of the acquiring body and when he was to execute the work

of construction of percolation tank he became part of the aforesaid illegal activity. There is allegation that unless he was involved in the activities, it was not possible to create false record of construction, false bills of measurement and the making of payment of the bills on the basis of such record. There is allegation against the Sub Divisional Engineer Shri. Jadhav that he was involved in acquisition proceeding, he took the possession of the land when the original owners were not there and he was also involved in illegal activities in view of his position in the department. The Sectional Engineer was the field man of engineering section and so he was directly responsible if there was no construction made.

13) There is allegation against Shri. Appa Bankar, Cadestral Surveyor that even when there was record created though false of construction of the percolation tank, in the year 2008, this construction was not shown in the subsequent maps and certificate was issued for getting N.A. permission and thus he and his colleagues were responsible for creating false record for different purposes.

14) There is allegation against Shri. Gaikwad, Sub Divisional Officer who granted N.A. permission that even when there was aforesaid record he did not go through the office record and he acted on the basis of aforesaid false certificates and issued N.A. permission.

15) There is allegation against the purchasers that they very much knew about the acquisition proceeding and even when the land was shown to be acquired for percolation tank they obtained false record of aforesaid nature for purchasing the land and for developing the land.

16) It appears that when inquiry was started, the officers of the Irrigation Department of the Government took the stand that the tank was actually constructed in the year 2008 but it was demolished and destroyed by the aforesaid purchasers. When the time came for making payment for the acquired land, the officers involved took a stand that there was no tank in existence and so there was no question of proceeding further with the acquisition proceeding and the acquisition proceeding needs to be

dropped. These steps were actually in favour of the purchasers. Though some allegations are made by the Department that it is the purchasers who demolished and destroyed the percolation tank, no action was taken in that regard against the purchasers and attempt to cover up everything was made.

17) When the matter came up before this Court first time, this Court realized that there was dispute whether the percolation tank was actually constructed and it was subsequently destroyed or whether the percolation tank was never constructed. On 17-2-2014 first order was made by this Court and the investigating officer was advised to take expert opinion to ascertain whether the percolation tank was really constructed on the site shown in the project. It appears that at the relevant time there was different investigating officer. He took help of the accused and a committee of Engineers consisting one of the accused as a member was formed by the department and opinion of the committee was given to the effect that the tank was constructed. Due to change of assignment of judicial work, the matter was not with

this Court from March 2014 onwards. The matter again came before this Court in the month of February 2015 when the assignment changed. On 10-2-2015 this Court heard both the sides exhaustively. When it appeared that there is serious dispute of aforesaid nature and the report/opinion given by the committee which helped the previous investigating officer cannot be used as it was involving opinion of the accused and as it was not opinion of the expert as such, this Court passed detailed order on 10-2-2015. This Court constituted a committee of three independent experts. They were from the Department of Physics of the University, Government Engineering College and Geological Department of the Government. This Committee has now given a report. The necessary steps which the experts are expected to take to ascertain the truth were taken by the committee and the report is based on the examination of the relevant material. The report is to the effect that no such construction of percolation tank was there in the year 2008, prior to that or subsequent to that.

18) The investigating officer is changed and the present investigating officer had filed affidavit dated 4-2-2015 that he has formed opinion that there was no construction of percolation tank. Submission was made by the learned Additional Public Prosecutor for the investigating officer that the investigating officer would like to use the report prepared by the expert committee appointed by this Court. After receipt of the report of the expert committee, in view of the nature of dispute between the two groups of the accused, a copy of report dated 17-2-2015 was made available to both the sides. After that, the learned counsel appointed by the Executive Engineer, Technical Wing of the Minor Irrigation Division of the Government sought time and he produced some record like maps collected from internet sites like "Terra Server" and also a site "Bhuvan". From the record produced by him it appears that the accused persons have marked some portion as land Gat Nos 86 and 87. Latitude and Longitude marking is done. Submission was made that on the basis of this map it can be said that in the year 2008 the construction of bandh, of the percolation tank was in existence. The said description is said to be of 24-

11-2008. There is nothing to hold that the record is authentic. It is not possible to hold at least at this stage that such bandhs were really in existence in the month of November 2008. The learned counsel for the Executive Engineer further submitted that even the expert committee has mentioned that there was some construction like bandh though it was outside of Gat No.86. Strange submission was made that there is possibility that the site of construction was changed. When this Court had made order, the Court had directed to supply copy of the project to the expert committee and as per the record every necessary document of the project was supplied and after perusal of that project and after examination of the site the report is given by the expert committee. In any case, the investigating officer has formed opinion that there was no such percolation tank created in the year 2008 and the material which the defence wanted to use cannot be taken into consideration. The record shows that the colleagues of the Executive Engineer have done everything to protect him and other men from the engineering section who are also before this Court. The learned counsel for the purchasers submitted that no such construction of percolation tank was in existence on the date of the purchase of the land by the purchasers. They are also respondents in one proceeding. In view of the opinion formed by the investigating officer which is important in view of the provisions of sections 42, 156, 170 and 173 of the Code of Criminal Procedure the Court is expected to see that opportunity is given to the investigating officer of thorough investigation. When there are such circumstances, custodial interrogation is a must. The record and the circumstances have created doubt about the fairness of the investigation which was made by the previous investigating officer. It can be said that when persons from Government department are involved, many make an attempt to protect them in one way or the other.

19) When the previous owners were dead and it was not possible to take possession from those ladies on the date mentioned in the record, possession was shown to be taken on 16-4-2007. This Court has carefully gone through the record like administrative approval prepared by the Collector for acquisition of the land for construction of percolation tank and the record like forms

prepared for acquisition. The record includes information regarding the actual measurement taken at the relevant time. The total area was 3.71 hectares of Punjabai and as per the requisition 3 hectares portion was to be acquired. The possession receipt shows that the possession of entire portion, 3.71 hectares was shown to be taken from Punjabai. The amount of Rs.1,19,600/- was shown to be kept for land compensation out of amount of Rs.26.88 lakhs. There is one form showing that area of 77 R was marked. The subsequent record created for compensation in the year 2011 shows that those notices were also shown to be served on the aforesaid deceased persons and the rate of Rs. one lakh per hectare was fixed for giving compensation and the total amount of Rs.1,22,430/- was shown to be payable to the owner. Thus the area of 77 R was shown to be used. There is report of the revenue officer showing that, the amount calculated for 77 R was not in accordance with the initial proposal made at the time of preparation of the project. In any case nobody was there to make submission for the owners and the deceased lady was shown as the person who was to get the compensation. There is clear possibility that everything was done behind the back of the owner and only paper work was done. This record is not in favour of the officers of the acquiring body like the Executive Engineer and the Sub Divisional Engineer. There were two owners of Gat No.86 like Punjabai and Sundrabai but the subsequent record was created only in the name of Punjabai.

20) The sum and substance of allegations and material available against the respondents-accused is as under :-

(I) When the officers of Minor Irrigation Department of the Government were expected to make construction of percolation tank in Gat No.86, they did not make construction and they misappropriated the amount of more than Rs.18 lakh sanctioned for such construction. For misappropriation of the amount they created false record of measurement and bills. They did not hand over the project to the Zilla Parishad when it was necessary to do so and so there was no counter check and others could not realize about misappropriation of the amount. They realised about the misappropriation when new officer came in. In the year 2011 proceeding was started for determination of compensation as in the past record was created that the possession was given by consent of the owner. Even after making of inquiry by the officers of the Department of Minor Irrigation report was not given to police and it appears that after long time action like suspension of the concerned officers was taken and report was given by enquiry officer that amount misappropriated needs to be recovered from them. Some officers of the Department virtually tried to cover up the things by putting the entire blame on the purchaser of Gat No.86 by contending that the purchasers had destroyed the percolation tank for developing the property for non agricultural use.

(II) As per the procedure for land acquisition, the Land Acquisition Office (officer from Revenue Department works as acquisition officer and has help of the subordinates of Sub Divisional Officer like Circle Officer, Talathi) is expected to take steps to make entries of acquisition on the revenue record. Right from the stage of publication of notification under section 4(1) of the Land Acquisition Act the officers of the lower rank like Talathi get knowledge of the proposed acquisition and they are expected to take steps to see that the entries are made and those lands are not transferred. The Revenue Officers are admitting that they did not make the entries of the acquisition when there is aforesaid record. Thus, there is clear probability that the Revenue officers joined hands firstly with the officers of the Minor Irrigation Department and then with the purchasers.

(III) The officers of the Survey Department (Cadestral Surveyor) had prepared map of construction of percolation tank in Gat No.86. When such record is created, at the time of every subsequent measurement and preparation of map of Gat Number, previous record is required to be taken to the spot for taking necessary notings on the map. The old markings and the constructions are required to be mentioned. This was not done. The Cadestral Surveyor subsequently partitioned the land Gat No.86 on the application made by the successors of the aforesaid deceased lady. But in that record he did not mention the percolation tank construction which was on the record. The Cadestral Surveyor helped in preparation of development plan for which the purchasers had applied. The purchasers wanted to convert the agricultural land to non agricultural use. If there was percolation tank, it was not possible to get N.A. permission for the purchasers and so there is clear probability that the Cadestral Surveyor joined hands with the purchasers. Inference is possible that it was done for getting some benefit from the purchaser.

(IV) The Sub Divisional Officer, the authority granting N.A. permission, is the revenue officer. There is procedure of filing No Objection Certificates of various offices which include the office of the Cadestral Surveyor, Land Acquisition Officer, Local Body etc. But that does not mean that the revenue officer is not expected to verify the record of acquisition. Such verification was not done. The land was actually acquired for percolation tank and it can be said that there is possibility that the officers who granted N.A. permission had also joined hands with the purchasers for making some gain.

(V) The purchaser could not have collected various no objection certificates from aforesaid offices unless he had influenced the officers some way. In absence of such record and the no objection certificates, it was not possible to get N.A. permission and to develop the property for construction of houses etc. The purchasers wanted to use the land for N.A. purpose and so the aforesaid record was necessary. The record showing that the land was not acquired, percolation tank was not there was created to help the purchasers and it cannot be said that the purchasers had no knowledge about the aforesaid things, the acquisition and the record of construction of percolation tank created in respect of land Gat No.86.

21) Thus one way or the other, every respondent-accused was involved in the commission of the offences of creation of false record. They did it probably for making some gain. Their actions were against the interests of the Government and also against the interests of the public at large.

22) As per the record, the amount of Rs.8.6 lakh was shown to be spent for unskilled work, labour work, and amount of Rs.10.78 lakh was shown to be spent for skilled work. The bandh was to be created and pitching work was to be done for construction of the bandh. There is allegation that this amount was not actually spent and it has been misappropriated. All this could not have happened unless these three persons from technical wing had joined hands. The learned counsel for the engineers submitted that the previous investigating officer had recorded some statements of the persons and from his inquiry it revealed that some construction was actually made and it was subsequently demolished. It is already observed that these officers received support of their colleagues and even the investigating officer supported them and every attempt was made to cover up the things. There are allegations against the previous investigating officer also and the aforesaid circumstances are sufficient to hold that liberty needs to be given to the new investigating officer and not much importance can be given to the so called record collected by the previous investigating officer. In view of these circumstances this

Court holds that the Sessions Court has committed serious error in granting the relief of anticipatory bail to these engineers. Thorough investigation in such case is necessary and the necessary material can be collected and the *modus operandi* can be ascertained and also it can be ascertained as to who were involved in the offences after custodial interrogation of these persons. When there is misappropriation of Government money, that amount needs to be recovered and that amount can be treated as stolen property. Submission was made against these engineers that more crimes are registered of similar nature and even one case under the Prevention of Corruption is also filed in Crime No.91/2014. This background cannot be ignored. Copy of charge sheet filed in Crime No.91/2014 is produced by the learned counsel for the applicants. This crime is also in respect of construction of percolation tank in which amount was misappropriated by showing false measurements. Crime No.36/2014 was also registered for similar offences against these two persons. Thus it cannot be said that there is possibility of false implication of these accused in the present case.

23) So far as Cadestral Surveyor, Appa Bankar is concerned, it can be said that he prepared false record in survey office of the Government and it was prepared to help the heirs of the aforesaid ladies and to help the purchasers. Even when his office had prepared the map of construction of percolation tank which was shown to be completed in the year 2008, he created record of partition of the land amongst the heirs of the deceased owners. For layout purpose also he measured the land and thus he helped the purchasers for preparation of lay out and for getting N.A. permission. He could not have prepared such record in favour of the owner or the purchasers in view of the record which was already created of percolation tank.

24) The role of the revenue officers was also important as after starting of the acquisition proceeding entries are required to be made in the revenue record and the acquisition is required to be shown in the revenue record. Shri. Sanjay Gaikwad was the Sub Divisional Officer and he granted N.A. permission even when there was record of aforesaid nature. Learned counsel for this officer submitted that as per the procedure, the officer is

expected to consider only no objection certificates of the concerned department of the Government and all the certificates were considered by him. The record shows that the purchasers, the developers, had knowledge about the aforesaid things but they could get various certificates required for getting N.A. permission. In view of this circumstance at this stage it cannot be said that the officer who granted N.A. permission had nothing to take doubt. It can be said that he ought to have verified the record carefully. It would remain open to the investigating officer to arrest him if it transpires to the Investigating Officer that he had received some benefits for giving the permission. For that the relief needs to be cancelled.

25) Mansing Rathod, Circle Officer created false record of service of notice. When the ladies, owners were dead, it was shown that notices were served on them and aforesaid record was created in the acquisition proceeding. He was also responsible for not taking entries in the record of rights of the acquisition and also of the construction of percolation tank.

26) It appears that the Department of Minor Irrigation made some inquiry and gave proposal to recover the amount shown to be spent on aforesaid project. This circumstance is sufficient to show that even the department has formed opinion that the Government has sustained loss due to the aforesaid three engineers who are before this Court as respondents-accused.

27) It appears that the Sessions Court granted relief to these respondents-accused by holding that it is a matter of record and the record can be collected from the concerned department and so police custody is not necessary. It is also observed that nothing needs to be recovered from the accused during investigation. These reasons cannot be called as good or convincing reasons for granting relief of anticipatory bail. Relief of anticipatory bail can be granted only in exceptional cases and not in serious cases where there is misappropriation of Government money. There is allegation of creation of false record etc. The observations that nothing is to be recovered is also not acceptable as in such cases the stolen property needs to be recovered. Unless from such

persons the benefit made by them is recovered the tendency of such persons cannot be curbed. If nothing is recovered and only case is filed against them these persons do not loose much as they are ready for the same, and they use money made this way.

28) The circumstance that charge sheet could not be filed even after so many months of registration of the crime is sufficient to infer that there is no cooperation from the concerned. Even if the record is relevant, other important information can be sought after custodial interrogation. When the officers are not cooperating the only way out is the custodial interrogation. The submission was made that the revenue officers are not cooperating in this case and the record of acquisition and NA permission could not be collected.

29) The learned counsel for the respondents accused has placed reliance on the observations made by the Apex Court in **Criminal Appeal No.1732/2009 (Hazari Lal Das v. State of West Bengal)**. The Apex Court has observed that cancellation of bail is different from rejection of bail. There are different criteria for

cancellation of bail and unless and until there are supervening circumstances relief once granted cannot be cancelled. There cannot be any dispute over the propositions made by the Apex Court.

30) The learned counsel for the applicants placed reliance on following reported cases :--

(1) **AIR 1998 SC 696 (Dukhishyam Benupani v. Arun Kumar)**;

(2) **AIR 2008 SC 155 (State of Maharashtra v. Mohd Sajid Husain)**; and

(3) **2013 (3) Bom. C.R. (Cri) 786** (Aurangabad Bench of Bombay High Court) **(Madhav Rathod v. State of Maharashtra)**.

It was submitted that the criteria for granting bail and anticipatory bail are different. It was submitted that relief of anticipatory bail granted by the Sessions Court can be cancelled even if there are no supervening circumstances when the Court comes to the conclusion that gross error is committed by the Sessions Court in granting the relief. The error can be due to non consideration of relevant circumstances. The case reported as **AIR 2001 SC 2013**

(Puran v. Rambilas) can be referred to in this regard.

31) There cannot be any dispute over the proposition that police have statutory power to make investigation. The power can be seen in the provisions of sections 42, 156, 170 and 173 of the Criminal Procedure Code. Though under section 438 of the Code discretion is given to the Sessions Court to grant the relief, the Court is expected to consider the material and also the criteria given in section 438 of the Code. The Court is also expected to keep in mind the statutory powers given to the police which can be seen in aforesaid provisions of the Code of Criminal Procedure. The discretion is circumscribed by these provisions. If the Court forms opinion that investigation will be affected due to granting of relief, the Court is not expected to grant the relief of anticipatory bail. This position of law is not at all considered by the Sessions Court. Such instances are increasing in Maharashtra. Amount of thousands of crores of rupees was misappropriated by using such *modus operandi*. When there is custodial interrogation more material can come out and more instances can be

detected. Further there is always possibility of recovery of stolen property and which needs to be recovered in such cases. This Court has no hesitation to hold that error is committed by the Sessions Court in granting the relief not only to the officers of the Government but also to the purchasers. The material is sufficient to infer that the purchasers got prepared some false record to enable them to develop the property which was actually acquired for percolation tank. In the result, the following order :-

32) All the applications are allowed. The relief of anticipatory bail granted in favour of the respondents / accused in all the proceedings is hereby cancelled. The orders made by the Sessions Court granting the relief are set aside. The respondents-accused are to be arrested and taken in custody forthwith.

33) Learned counsels for the respondents - accused from all the proceedings requested for stay of the order as they want to challenge the order. The stay is refused.

Sd/-
(T.V. NALAWADE, J.)

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