

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.68 OF 2016**

|                                  |                |
|----------------------------------|----------------|
| Himal Meghji Thakkar and Another | ... Applicants |
| vs.                              |                |
| The State of Maharashtra         | ... Respondent |

Mr. K.S. Labana, for the Applicants.  
Mrs. P.P. Shinde, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **29<sup>th</sup> MARCH, 2016**

**P.C.:**

. The application is moved for pre arrest bail as the applicants/accused are facing charges for the offences punishable under Sections 419, 420, 495, 467 and 468 read with 34 of the Indian Penal Code and under Section 52 of M.R.T.P. Act in C.R. No.I-52 of 2015 registered with Kulgaon police station, Thane. The offence is registered at the instance of one Dattatray Sable on 19<sup>th</sup> October, 2015 who is the Development Officer of Vangni.

2. As per the case of the prosecution, the applicants/accused who are the builder and developers had started construction at Suryoday Nagar, Vangni in November, 2014. The said construction was without seeking prior permission of Grampanchayat and therefore notice was issued of demolition of the said construction on 26<sup>th</sup> November, 2014. Thereafter, again in the year 2015 the notices were issued however, the applicants/accused did not demolish the construction. After inquiry made by the complainant and other members of the Grampanchayat, they found that the applicants/accused have obtained No Objection Certificate and also they have prepared forged documents for the purpose of construction and thereafter they have started construction. Hence, this complaint.

3. The learned counsel for the applicants/accused submitted that the applicants/accused are on interim pre arrest bail since 15<sup>th</sup> January, 2016. They are attending police station and cooperating the investigating agency. He relied on the police report which was submitted in the pre arrest bail before the Sessions Court, Kalyan wherein it is mentioned that one Yuvraj Gidh prepared forged NOC and forged stamps and seals. It is submitted that the applicants/

accused are not concerned with this forgery. He further pointed out a letter dated 1<sup>st</sup> October, 2015 issued by the Development Officer addressed to the applicant Himal Thakkar demanding the NOC and other letter dated 5<sup>th</sup> October, 2015 written by the applicant/accused Himal by which he sent a copy of the NOC.

4. The learned prosecutor oppose the application and submitted that the applicants/accused did not obtain NOC from the Grampanchayat. The co-accused Yuvraj Gidh is absconding. He is to be arrested and how and when he has prepared the forged stamps and seals is also to be investigated. Therefore, the custodial interrogation of the applicants/accused is required.

5. Perused the first information report and other papers of investigation. It is a case of preparation of forged seal and stamp of Grampanchayat office. The concerned Grampanchayat has not given NOC to the applicants/accused, despite the applicants carried out the illegal construction on the basis of forged documents. Considering the nature of offence, I am not inclined to continue the interim protection granted earlier by this Court. The custodial interrogation of the

applicants/accused is necessary for effective investigation.

6. In view of the above, the anticipatory bail application stands rejected.

**(MRS.MRIDULA BHATKAR, J.)**