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ABA-356-2016
& ABA-487-2016
Monday.19.12.2016
sr.no.14

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

(SUO-MOTO PROCEEDINGS FOR CANCELLATION OF
ANTICIPATORY BAIL APPLICATION NO. _____ / 2016)

IN

ANTICIPATORY BAIL APPLICATION NO. 356 OF 2016

Vijay Dashrath Birade

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. Anil D'souza, Advocate for the applicant.

Smt. Rutuja Ambekar, APP for respondent, State.

ALONGWITH

ANTICIPATORY BAIL APPLICATION NO. 487 OF 2016

Meena Gangadhar Pathare

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. S.V. Marwadi i/by. Mr. K.S. Garg, Advocate for the applicant.

Smt. Rutuja Ambekar, APP for respondent, State.

CORAM :- N. W. SAMBRE, J.

DATED :- 19TH DECEMBER, 2016.

P.C. :-

1). The Learned APP, while hearing of the Bail Application No. 356 of 2016 and Bail Application No. 487 of 2016 has invited my attention to the order dated 27th September, 2016 passed by Additional Sessions Judge, Palghar in Anticipatory Bail Application No. 112 of 2016, (Vinayak Ashok Kamath V/s. State of Maharashtra (Through Tarapur Police Station)). In the said order, the applicant, Vinayak is granted pre-arrest bail in Crime No.I-37 of 2015 registered on October 21, 2015 with Police Station, Tarapur for offences punishable under Sections 408, 409, 420 read with Section 34 Indian Penal Code.

2). The basis for registration of such crime as his borne out from the pleadings and other material in the above two applications is, the applicant appears to be the partner/proprietor of one Meghna Enterprises who has executed the work of road development with Gram Panchayat, Akarpatti in the jurisdiction of Zilla Parishad, Palghar. The Contractor, Vinayak was paid amount as he has lodged bill to that effect with the Gram Panchayat., Akarpatti.

3). The said Vinayak is granted protection by the learned Sessions Judge under Section 438 based on the fact that Sarpanch of the said Gram Panchayat is released on regular bail and the applicants in the above referred two applications are on ad-interim bail before this Court.

4). Needless to say that, this Court by the order of even date

has rejected the application of Gram Sevika and the Sectional Engineer of the Zilla Parishad.

5). The said, Vinayak, prima-facie, appears to be the direct beneficiary of fraud practised by the Member of Gram Panchayat including Sarpanch and the technical staff from the Zilla Parishad in a calculated manner.

6). In my opinion, the order granting pre-arrest bail in favour of Vinayak Ashok Kamat is required to be given revisit in the above referred background.

7). In view thereof, the present proceedings be registered as suo-moto proceedings taken out for cancellation of bail against Vinayak Ashok Kamat, Occupation-Business, Resident of 202, Shashank Apartments, Mahim Road, Palghar.

8). Notice is issued to said Vinayak Ashok Kamat calling upon him to show cause as to why his bail ordered by the Sessions Judge on September 27, 2016 (reference : supra) be not cancelled. The notice be served through the Investigation Officer who is personally present in this Court. The said Notice is made returnable on 16th January, 2017. The Registry is directed to register the present proceedings as independent proceedings for cancellation of bail.

(N.W. SAMBRE, J)