

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 410 OF 2016

Kamlesh Arvind Harsora
Versus
The State of Maharashtra

.. Applicant

.. Respondent

Mr. C.K. Pendse i/b Mr. Prashant Jadhav, Advocate for the Applicant.
Ms. Rutuja Ambekar, A.P.P. for the Respondent – State.
Mr. A.V. Jagdale, A.P.I. Rabale M.I.D.C. Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 22nd NOVEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.231 of 2015 for the offences punishable under sections 120B, 420, 467, 468, 471, 406, 418, 474 of the I.P.C.

2 It is the case of the applicant that the issue as regards the illegal constructions carried out in New Mumbai area wherein the Division Bench of this Court has evolved a mechanism to investigate and supervise the implementation of demolition of such illegal structures. According to him, he has every right to demonstrate his case before the said Committee and in case if he is arrested, he loses freedom and liberty.

3 Apart from above, he submits that the applicant has also invested huge amount in the construction of the building in question and as such he individually cannot be blamed for carrying out illegal construction.

4 Having bestowed my thoughts to the submissions made, it is required to be noted that competent authority has admittedly not given sanctioned structure of the applicant, still the applicant has proceeded to carry out construction and has entered into an agreement for sale of the tenements.

5 Apart from above, the Division Bench has noted that such type of illegal activities are carried out at large scale in an around New Mumbai area which required to be checked by the authorities.

6 Once having noted that there is no sanctioned in favour of the present applicant for construction in question issued by the competent authority and the fact that the applicant has proceeded with the construction without any commencement certificate, the prayer of the applicant for grant of pre-arrest bail does not call for any consideration. The application is rejected.

(N.W. SAMBRE, J.)