

ANTICIPATORY BAIL APPLICATION NO. 418 OF 2016

However, the plan which was submitted to MHADA was shown as ground plus four storied. Thereafter the complainant again informed the Assessment Department of the Corporation to verify, as the building is only of ground plus one floor. It appears that the owner of the building and the contractor has started the construction on the second floor. Subsequently, the notice was issued. The owner and contractor filed Civil Suit No. 1143 of 2014 in the Court and it is pending. However, during enquiry, the officers from the Corporation found that the documents which were submitted to the Corporation disclosed that the claim was made of one plus four storied, so also the documents along with proposal, list of 21 occupants and a bogus plan were submitted. During the course of enquiry, it was found that architect and other persons and the tenants filed forged documents showing that the building is ground plus four storied though the building was only ground plus one floor. So, the offence was registered. The applicant/accused has produced the documents as one of the tenant though he was not staying in the said building, as the building is ground plus one floor.

4. The learned counsel for the applicant/accused submitted that the applicant/accused prays for pre-arrest bail because the other tenants who have produced the same documents are granted pre-arrest bail. He

submitted that the applicant is not the one who has produced the document. He is neither the owner nor the builder but he is only a tenant of the said building . The applicant is involved in this offence only because he filed Writ Petition against BMC & MHADA and thereafter he is made accused.

5. Learned APP submitted that this applicant/accused stands on different footing from the other accused/tenants who were protected by pre-arrest bail. She submitted that fake documents, i.e., ration card, electricity bills and rent receipts are submitted by this Applicant/tenant.

6. Perused the police papers, so also the order of the trial Court. It is true that though the applicant/accused was not involved in the presentation of bogus plan of the building to the Corporation, i.e., ground plus four storied, however, he has produced rent receipts, ration card, electricity bills in his name. On query, I am informed that applicant/accused claimed that he was residing on the third floor. It appears from the record that the building was in fact ground plus one floor and thus, by submitting a false documents, a bogus claim was made by the developer and the owner that the Corporation has given a permission for ground plus four storied and the building of ground plus three storied was

in existence. There was no sanction or approved plan for ground plus four storied. Under such circumstances, it appears prima facie that by submitting bogus and fake documents, co-accused have tried to construct more floors of the building. The applicant/accused though was not a tenant, prima facie has filed the documents. In such matters of construction of the building on forged plan and documents, this Court takes a strict view. Hence, I am not inclined to grant anticipatory bail to the applicant. Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)