

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.552 OF 2016
Ganesh M. Ture vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Harshad Bhadbhade for the applicant.
Ms. S.S.Kaushik, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 21st October, 2016

P.C.

1. The applicant is apprehending arrest in CR No.0047 of 2016 registered with Rabale MIDC Police Station, Thane under Sections 406, 418, 420, 467, 468, 471, 474 read with 34 of the Indian Penal Code.

2. Heard the learned counsel for the applicant, the learned APP and the learned counsel for the original complainant. Also perused the documents annexed to the application and produced by the learned counsel for the applicant.

3. The first information report is lodged by Vivek Gaud. It is stated in the said report that the first informant sought information under Right to Information Act pertaining to Flat No.14, 2nd floor, Aaidham Apartment, Digha, Navi Mumbai from the office of the Sub Registrar of Assurances. He received the information that the said

apartment is constructed by a firm namely Sai Siddhi Construction Company, owned by the present applicant. The complainant subsequently sought information under Right to Information Act from the MIDC, Mahape and it was revealed that the said building is standing on Gat No.203, is not acquired by the MIDC and was in possession of Collector of Thane. It is stated in the report that though the land bearing Gat No.203 lying and situated at Village Digha belonging to Government of Maharashtra, (Collector of Thane), the applicant without having any lawful permission for the use of the said land has constructed the building namely Aaidham Apartment on the said Gat No.203 and has therefore, committed the offence, thereby attracting various provisions of Indian Penal Code mentioned ere to this.

4. The learned counsel for the applicant submitted that on similar set of facts the earlier CR No.728 of 2011 is lodged by Bhaskar Isame and the police after conducting the investigation have submitted the charge sheet on 7.8.2012 in that crime. He submitted that the political rivals of the applicant are lodging crimes after crimes against him and he is being victimized for the same crime again and again. He further submitted that after applicant has been granted interim relief by this Court by an order dated 23.3.2016 the present complainant i.e. Vivek Gaud has also lodged a substantial crime with the same police station on similar set of facts. He submitted that the

present crime is pertaining to documents and therefore, his custodial interrogation is not necessary. He therefore, prayed that the applicant may be granted pre-arrest bail.

5. At the out set, it is to be noted here that prima face it is an admitted fact that the said Gat No.203 lying and situated at Village Digha is belonging to Government of Maharashtra, (Collector of Thane). The applicant has no lawful documents in that behalf to even remotely suggest that the subject land was allotted to him by the Government or by any other Government authority. It appears that the applicant has constructed a building by name Aaidham Apartment on the said Gat No.203 by submitting bogus or fabricated documents allegedly issued by the Government authorities. This itself makes the applicant dis-entitled from grant of pre-arrest bail.

It is to be noted here that by an order dated 23.3.2016 the applicant was granted interim bail on certain conditions. One of the conditions was that the applicant shall attend the Investigating Officer on every Tuesday from 6.00 p.m. to 8.00 p.m. until further orders. The learned APP on instructions from the Investigating Officer who is present in Court submitted that from 24.6.2016 the applicant did not attend the Investigating Officer and has violated the conditions imposed upon him. It is further to be noted here that the applicant is an accused in CR No.728/2012 and while on bail he has alleged to have committed the present crime.

6. After taking into consideration the serious allegations against the applicant and the gravity of the offence, in view of this Court this is not a fit case to grant pre-arrest bail to the applicant.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)