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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1246 OF 2016

Santosh Narayan Nandgaonkar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Pradeep Gharat, for the Applicant.
Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 28th JULY, 2016.

P.C. :

1. The applicant/accused in Crime No.71 of 2015, registered with Revdanda Police Station, District: Raigad, for the offence punishable under Sections 201, 406, 409, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, at the instance Waman Chuneekar, by this application is seeking his release on bail.
2. Heard the learned counsel for the applicant/accused. He argued that after completion of investigation, pre-trial of detention of the applicant is not warranted. The learned counsel further pointed out that in order to show his bonafides, the applicant has deposited an amount of Rs.15 lacs in the account of trustee at Borli Koli Samaj.

3. The learned APP opposed the application by contending that the alleged offences are serious in nature.

4. Perused the chargesheet. One of the allegations against the present applicant is to the effect that he is President of Borli Koli Samaj, which was owner of land admeasuring about 13.7 gunthas in gat No.10 of village Savroli. The applicant and co-accused sold this land for meager considerations of Rs.5 lacs though it was costing more than 65 lacs.

5. According to prosecution case, this amount came to be deposited in the personal account of present applicant. Similarly it is alleged that the applicant had received additional amount of Rs.4 lacs from the purchaser. The co-accused have also received an amount of Rs.6 lacs from the purchaser.

6. The informant alleged that forged resolution was pressed into service for selling the land. According to the informant, the applicant and his associates used to extort money from others by alleging that the land belonging to the trust is encroached by them. It is also averred that the applicant and his associates used to collect subscription from the fishermen. They had unauthorizedly collected donations on the pretext of construction of Samaj Mandir.

7. Now the investigation is over. Statements of purchaser namely Smt. Sujata Patil goes to show that she had only paid Rs.5 lacs

for purchasing the land belonging to the trust as it was having encroachment. The purchaser averred that she paid donation.

8. In order to show his bonafides, the applicant had deposited an amount of Rs.15 lacs in the joint account of trustees of Borlee Koli Samaj. The trial will take it's own course. Prosecution has not apprehended that the applicant will not be available for trial and or that he will tamper the prosecution evidence in any manner.

In this view of the matter, pre-trial detention of the applicant is not warranted and therefore, the following order.

Order

- I) The application is allowed.
- II) The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.
- III) The amount of Rs.15 lacs deposited by the applicant in the joint account of trustees be invested in fixed deposit initially for a period of five years, in any nationalised bank.
- IV) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- V) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.

VI) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]