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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1108 OF 2016
WITH
CRIMINAL APPLICATION NO.515 OF 2016

Sunil Dnyandev Sawake	..Applicant.
V/s.	
State of Maharashtra	..Respondent.
AND	
Ravindra Gangaram Kshirsagar	..Intervenor.

Mr. A.P.Mundargi, Senior Advocate i/b. Mayurdas D.Nagle for the applicant.

Ms.R.M.Gadhvi, APP for respondent-State.

Mr.Sumit S.Kothari for intervenor.

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.72/2016 for offences punishable under section 406, 409, 420 and 465 of the Indian Penal Code registered with Dapoli Police Station, Ratnagiri by this application is seeking pre-arrest bail

2. Heard the learned senior counsel appearing for the

applicant / accused. By taking me through F.I.R., the learned senior counsel argued that the informant is a developer and land of father of a Municipal Councilor was to be developed. The learned senior counsel argued that the informant / developer was always accompanied by Khalid who is a Municipal councilor of Dapoli Municipal Council. The learned senior counsel argued that as per the informant, he has taken up the work of getting permission to develop the land belonging to Abdul and Jabbar in the year 2006 but the F.I.R. shows that upto 2008 nothing was done in the matter. Thereafter, in the year 2013, the land owner insisted the informant and then, in February, 2014 the alleged incident has happened. According to the learned senior counsel, the order sanctioning the layout were passed way back in the year 2008. The informant being developer was well aware of the fact that the amount of this development costs is required to be deposited with the Finance Department of the Municipal Council and receipts are required to be issued by the cashier of the Municipal Council. However, in the case in hand, the informant alleged that amount of Rs.27 lakhs was entrusted to the present applicant. According to the learned senior counsel, averments in the F.I.R. is as such unbelievable.

3. I have also heard the learned APP so also the investigating Officer and the learned counsel appearing for the informant. In their submissions, the order granting sanction layout plan was subject to the condition of depositing the development charges within 60 days.

4. Perused the papers of investigation, including the files of the Municipal Council regarding the sanction of the layout in respect of the land in question. Perusal of the office file shows that the Chief Officer of the Municipal Council had sanctioned the layout vide order dated 23th September, 2008. It is seen that notices were issued for deposit of the development charges.

5. Perused the Outward Register of the Municipal Council, Dapoli. It is seen that orders sanctioning the layout are shown to have been dispatched on 23rd September, 2008 under Outward No.1146 and 1169. Statement of the clerk entrusted with the work of maintaining the Inward and Outward registers shows that in fact some other letters were dispatched vide these outward numbers but subsequently,

entries are shown regard despatching of orders sanctioning the layout plan to the land owner involved in this case. Statement of the Dispatch Clerk shows that these entries regarding dispatch of orders sanctioning layout are made by the present applicant subsequently. Statement of witness shows that five receipts showing payment of Rs.27 lakhs to the Municipal Council towards the development charges appears to be in the handwriting of the present applicant. Averment in the F.I.R. are to the effect that the developer has entrusted the amount of Rs.27 lakhs to the present applicant towards development charges and it is applicant who had handed over those five receipts to the informant.

6. In view of the material gathered during the investigation prima facie showing the complicity of the applicant in the crime in question, no case is made out for anticipatory bail. Therefore, the order:-

- (i) The application is rejected.
- (ii) In view of the disposal of the main application, Criminal Applications, if any, are also disposed of accordingly.

(A.M.BADAR, J.)