

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1173 OF 2016

1. Shri Mahadev Punja Patel.
2. Shri Narayan Jivraj Patel
3. Shri Shailesh Narsingh Chaudhary
4. Shri Vijay Patel ... Applicants
Vs.

The State of Maharashtra ... Respondent

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Mr. Jaymala Ostwal i/b. M/s. J.J. Associates for the Applicants.
Smt. J.S. Lohokare, APP for the Respondent -State.
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CORAM : N. W. SAMBRE, J.

DATE : 29th November 2016

P.C.

1. The applicants are seeking pre-arrest bail in C.R. No. I-219 of 2015 registered with CBD Belapur Police Station for offences punishable under sections 465, 466, 467, 468, 471, 474, 420, 511 and 120-B of the Indian Penal Code.

2. The applicants had purchased plot Nos. 37 and 38, which are the subject matter of the present crime from its owners, who

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were not having any title to the said plots, as in 1982, the property was acquired by CIDCO from Smt. Sakhubai N. Gharal, who died in 1992.

3. While opposing the anticipatory bail application, the learned APP submits that the applicants have practised fraud on the statutory authorities, so as to pass on title to the property without any authority in law

4. Perused the investigation papers. The learned counsel has rightly pointed out that pursuant to the public notice issued in the newspaper and after verifying the title deeds which were produced, the applicants have entered into an agreement for purchase of the property in question.

5. Perusal of the investigation carried out till date reiterates that there is documentary material on record to infer that the present applicants were made to understand that parties from whom the owners have purchased the property and given in development were having title.

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6. The learned counsel for the applicants categorically made a statement, upon instructions, that till date, the applicants have not carried out any development on this property. The offence is based on the documents and there are no criminal antecedents as against the present applicants.

7. In view thereof, in my opinion, the application needs to be allowed.

8. In the event of arrest, the applicants be released on PR. Bond of Rs. 50,000 (Rupees Fifty Thousand only) each with one or two sureties in the like amount.

9. The applicants to attend CBD Belapur Police Station on 6th, 9th and 15th December, 2016 between 10 a.m. and 12 noon and thereafter as and when called.

10. The applicants not to tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N. W. SAMBRE, J.)

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