

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION (ABA) NO. 1696 OF 2016

Raju Bhikha Choudhary & Anr. ... Applicants

vs.

State of Maharashtra ... Respondent

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Mr. M. K. Shine for the Applicants.

Ms. Rutuja Ambekar, APP for the State.

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CORAM : A. S. GADKARI, J.

DATE : 30.09.2016.

P.C.:

1. This is Application under Section 438 of Cr.P.C for pre-arrest bail in C. R. No. I – 106/2016 registered by the CBD Police Station Navi Mumbai under Section 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. The first information report is lodged by Shri Paresh Anant Chiplekar, an employee of CIDCO Navi Mumbai. It is in brief stated in the first information report that the Applicants are the partners of M/s. Krushna Developers. The Applicants in connivance with the alleged original owner of land Walkya Ziprya Patil forged and fabricated allotment letter of a plot of land bearing Plot No. 53/5 lying and situate at Sector No. 20 B, Airoli Node, Navi Mumbai and submitted the same with the Navi Mumbai Municipal Corporation and on the basis of the same, the commencement certificate, occupation certificate and other documents for constructing a building on the said Government land was obtained. It is also stated that the tripartite agreement to which it is

shown that CIDCO is a signatory is also a bogus document. It is further stated that by submitting the said bogus and fabricated documents with the competent authorities of the Government, the Applicants have caused wrongful loss to the Government Authorities. It is further stated in the first information report that after conducting the preliminary inquiry, it was revealed to the CIDCO Authority that the signatures of Assistant Town Planning Officer Shri Arun Deshmukh are also forged. In the premise the First Information Report is lodged.

3. The learned counsel for the Applicants submits that the Applicants came into picture in the year 2012 that the allotment letter from CIDCO is of the year 2008. That the Applicants have paid the necessary and relevant charges to the CIDCO authority and also to the Navi Mumbai Municipal Corporation while seeking the construction permission. He submitted that the entire evidence is based on the documents that the Applicants are ready and willing to co-operate with the investigation agency and therefore the custodial interrogation of the Applicants is not necessary. He therefore prayed that the Applicants may be granted pre-arrest Bail.

4. At the out set, it is to be noted here that there is a stiff rise of unauthorized construction of buildings on Government land in the vicinity of Mumbai City and particularly in the areas like Navi Mumbai, Vasai, Virar and Palghar. The Division Bench of this Court has also taken serious note of the same. It is further to be noted here that as per

the prosecution the alleged original deed of allotment and or the lease deed alongwith the tripartite agreement to which the CIDCO is a necessary party are alleged to have been forged and fabricated by the applicants in connivance with Walkya Ziprya Patil, the alleged original owner of the said land. As the basic foundation of the present case is buildup on the footing of forged, fabricated and bogus documents, the subsequent act of Applicants thereby paying some amount to the Corporation for seeking development permission does not *ipso facto* make it legal. Though of late the CIDCO authority has revealed that the Applicants by submitting forged and bogus documents to the Navi Mumbai Municipal Corporation has procured the alleged development permission. It is the specific case of the prosecution that all the basic documents including the allotment letter are forged, fabricated and bogus documents.

5. After taking into consideration the serious allegations against the Applicants, and the enormous gravity of the offense, I am of the considered opinion that unless and until the Applicants are custodially interrogated, the entire truth behind the crime will not be unearthed. I find no merits in the application. Application is accordingly dismissed.

(A. S. GADKARI, J.)