

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1763 OF 2016

Mr. Umesh Govind Patil
Versus
The State of Maharashtra

.. Applicant

.. Respondent

Mr. Sanjeev Kadam i/b Ditendra Mishra, Advocate for the Applicant.
Ms. S.S. Kaushik, A.P.P. for the Respondent – State.
Mr. S.F. Dombale, P.S.I. Virar Police Station, present.

CORAM : N.W. SAMBRE, J.

DATED : 7th DECEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.354 of 2016 for the offences punishable under sections 420, 465, 467, 468, 471, 474 r/w. 34 of the I.P.C.

2 The applicant appears to be a power of attorney holder of original owners in whose favour on 12.03.2011 permission for development was granted by Vasai Virar City Municipal Corporation. It is claimed that the said permission which was granted on 12.03.2011 was tampered with and the sanction of more than 113 flats were shown against original sanction of 14 flats.

3 It is claim of the applicant that the applicant is no way involved or beneficiary out of the crime in question, as the applicant's services were hired by the original owners and he has handed over

permission as was issued by the Corporation depicting sanction of the 14 flats. According to him, the main accused Vasudeo Band has tampered with the sanction permission resulting into the registration of crime.

4 The learned A.P.P. submits that applicant appears to be one of the beneficiary and as such is involved in crime in question.

5 Perused the investigation papers. What could be gathered from the record is the applicant's services were hired by the original owners and not the developer. The applicant has handed over permission of only 14 flats which was subsequently tampered by the main accused Vasudeo as is apparent from the investigation papers.

6 Apart from above, the applicant has no interest whatsoever in the immovable property which was under development and about which the crime has been committed.

7 As the applicant is available for the investigation and there are no criminal antecedents, it will be appropriate to order release on bail. In view thereof, the application needs to be allowed.

8 In the event of arrest, the applicant be released on bail on executing PR. Bond of Rs.25,000/- with one or two sureties in the like amount. The applicant shall appear before the Investigating Officer as and when called. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)