

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2719 OF 2017

Pravin Totaram Thakare, Age 61 ... **Applicant.**
years, Occ. Agriculture, R/o.
Morane (Pra) Tq. & Dist. Dhule

V E R S U S

The State of Maharashtra, **Respondent.**
Through Dhule Taluka Police
Station, Dhule, Tq. & Dist. Dhule

Mr. A. S. Sawant, Advocate for the Applicant
Mr. S. J. Salgare, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 27th JUNE, 2017

ORDER :

1. Heard Mr. Sawant learned counsel for the applicant and Mr. Salgare, learned APP for the State.

2. On the basis of the information given by informant Pravin Dandwani offence at Cr. No. 11/2017 is registered with Dhule Taluke Police Station for the offences punishable under section 420, 465, 467, 468, 471, 120B of the Indian Penal Code. The allegations of the prosecution are that the present applicant has prepared false resolution in order to give permission to run a hotel to one Ramesh Chaudhari. With the help of false and fabricated resolution of Grampanchayat,

encroached land was allotted to Ramesh Chaudhari.

3. Learned counsel appearing for the applicant submits that, at the relevant time of the resolution, in the year 1994, he was not Sarpanch of the Grampanchayat. In fact, in the year 1994, the Grampanchayat unanimously passed resolution to give permission to start the hotel business to Ramesh Chaudhari. Subsequently, such resolution was cancelled.

4. Learned counsel appearing for the applicant invites my attention to the communication letter dated 12.04.2017 addressed to Block Development Officer, Panchayat Samiti Dhule, by which, the Sarpanch of village Morane has informed that, the Grampanchayat has removed the encroachment i.e. construction of Hotel Sai Samrat and copy of the panchnama to that effect is sent.

5. From the contents of panchnama, it appears that, the encroached construction of Mr. Ramesh Chaudhari was removed on 12.04.2017 and the panchnama is signed by the present applicant. The learned

counsel for the applicant further submits that, during the course of investigation all the relevant papers, resolution books, were seized by the investigating officer. Now, nothing is to be recovered from the possession of the applicant.

6. In view of the above, the applicant can be protected from his arrest. Hence, following order :

O R D E R.

- i) In the event of arrest of the applicant in connection with Crime No.11 of 2017, registered with Dhule Tulaka police station Dhule, he be released on bail on his furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.
- ii) Applicant-accused shall not tamper the evidence of prosecution in any manner and to co-operate the further investigation.

7 Criminal application is disposed of.

(K.L. WADANE, J.)

mkd/-