

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

ANTICIPATORY BAIL APPLICATION NO.228 OF 2017

Digambar Dnyanoba Pandit Applicant

versus

State of Maharashtra ... Respondent

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- Mr.A.P. Mundargi, Senior Advocate i/b. Manisha A. Devkar, Advocate for the Applicant.
- Mr.Rajan Salvi, APP for the State/Respondent.
- Mr.P.K. Ghadge (Dy.S.P., ACB, Nashik).

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 01st MARCH, 2017.**

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 167, 109, 420, 120-B of the Indian Penal Code and under sections 13(1)(d) of r/w 13(2) of Prevention of Corruption Act, in C.R.No.II-1/17 of Nandgaon Police Station, Nandgaon.

2. As per the case of prosecution the Government Officer
Nesarikar

i.e. applicant/accused and co-accused allowed the transfer of lands falling in category of class II, which are unalienable lands, without permission of the Collector and without payment of Nazrana to Government and thereby caused wrongful loss to the Government and wrongful gain to the purchasers. The learned prosecutor has submitted that as on today the Investigating Officer came across 38 cases in which requisite Nazrana and fine was not paid against the transfer of those respective lands.

3. The applicant/accused was working as a Sub-Registrar and he has registered 16 sale deeds in respect of sale or purchase of unalienable lands. The learned counsel for the applicant/accused submits that the applicant/accused is innocent. He has not committed any offence. The learned counsel has submitted that the applicant/accused was working as a Sub-Registrar and he was not directly involved in the transaction. He has referred the matter to Tahasildar Sudam Shivram Mahajan, who is released on pre-arrest bail by the learned Sessions Court. He further submitted that besides

omission to follow the Government Resolution, there is no other allegations especially in respect of illegal gratification or misappropriation of money. The learned counsel further submitted that as per information these transactions are cancelled.

4. Heard submissions of learned senior counsel and learned prosecutor. It appears that the applicant/accused has attended the police station as per the directions given while granting interim pre-arrest bail. It is observed by this Court that there was some erroneous interpretation of Government Resolution of July 2002 in respect of acceptance of Nazrana or fine about the land falling in category of Class II. So it appears that as Nazrana not paid and the permission which was condition precedent for any transfer or transaction of the lands falling in category II is not complied with, the government has taken steps of cancellation of this agreement and seizure of the attachment of lands. In view of this, custody of the applicant is not required and hence the order dated 08/02/2017 of interim

bail granted is hereby confirmed with same bail bond with further directions that the applicant/accused shall attend the concerned police station on every Saturday between 06.00 to 07.00 p.m. till 31/03/2017.

5. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)