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

ANTICIPATORY BAIL APPLICATION NO.1286 OF 2017

Sudhakar Janardan Gavde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Manish M. Jain i/b S.M.Jain and Associates, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent-State.

PI – J.S.Parabkar, Virar Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.I-219 of 2016 registered with the Virar Police Station, for the alleged offences punishable under Sections 420, 465, 467, 468, 471, 474 r/w 34 of the Indian Penal Code and under Sections 53 and 54 of the Maharashtra Regional and Town Planning Act.

3. Learned Counsel for the applicant seeks pre-arrest bail on the ground of parity. He submitted that identically placed co-accused – Rajesh Manohar Chikne, was granted pre-arrest bail by this Court (Coram:A.S.Gadkari, J.), vide order dated 3rd April, 2017, passed in Anticipatory Bail Application No.2198 of 2016.

4. Learned APP does the dispute the same.

5. Perused the papers. The applicant was also a sub-contractor appointed by M/s.Shree Datta Builders and Developers, by its partner Manohar Raut (Accused No.1). It appears that the applicant had nothing to do, with either the procurement of the commencement certificate and/or forging the same. It also appears, that the applicant had only constructed building no.10 on survey nos.112, 113, 114 and 115, under the directions of the co-accused i.e. partner of M/s.Shree Datta Builders and Developers. It is not in dispute, that identically placed co-accused – Rajesh Chikne, also a sub-contractor, has been granted pre-arrest bail, by this Court.

6. Considering the role of the applicant, the custodial

interrogation of the applicant is not necessary. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on every Saturday between 10.00 a.m. to 12.00 noon, till the filing of the supplementary charge-sheet or for period of three months, whichever is earlier;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.
- (iv) The Applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the

Investigating Officer of the concerned Police Station, in writing;

(v) The Applicant shall co-operate in the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)