

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1297 OF 2017

Mr. Purushottam P. Bhujbal

...Applicant.

vs.

State of Maharashtra & anr.

...Respondents

Smt.Gauri Jadhav for the Applicant.

Mr.S.R.Agarkar, APP. for the State.

Mr.S.K.Chaurasia for Respondent No.2.

Mr. S.S.Late, API, Panvel City Police Station present.

CORAM : A.S.GADKARI, J.

DATE : 18<sup>th</sup> September, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. for pre-arrest bail in M. Case No.4/2016 registered with Panvel City Police Station, Navi Mumbai under Section 406, 409, 420, 464, 465, 466, 467, 471, 506(2) and 120B of the Indian Penal Code.

2. The record indicates that the applicant and respondent No.2 i.e. original complainant are cousin brothers. That, respondent No.2 had lodged private complaint in the Court of Judicial Magistrate First Class, Panvel on 24.5.2016 alleging that the applicant and his family members submitted forged documents at the time of acquisition of land bearing Gat No.226 lying and situate within the jurisdiction of Panvel City and CIDCO being the planning authority. Learned Magistrate thereafter passed an order under Section 156(3) directing the concerned police to investigate the complaint and after investigation police have submitted charge sheet. It prima facie appears from the record that as the

respondent No.2 complainant was not successful in establishing his claim either for monetary benefit or under 12.5 percent scheme floated by CIDCO, Navi Mumbai he filed the said complaint. It further appears that before acquisition of the land of the father of the applicant CIDCO had issued notices to all the concerned, however the complainant i.e. respondent No.2 herein did not raise any objection at the said time and when the applicant and his family members got the benefit under 12.5 percent scheme of CIDCO the respondent No.2 with malafide intention has lodged the said complaint. All the documents pertaining to the said crime have already been seized by the police and if any balance documents are those are in the custody of the CIDCO which can be easily available to the Investigating Officer. In view of the above, the custodial interrogation of the applicants for further investigation is not necessary in the present crime i.e. M. Case No.4/2016.

Hence, the following order.

- a) In the event of arrest of the applicant in M. Case No.4/2016 registered with Panvel City Police Station, Navi Mumbai the applicant shall be released on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- c) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

