

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1454 OF 2017**

Mangesh Mohan Vengurlekar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Manish Mazgaonkar for the Applicant

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

PI Mr. J. S. Parabkar from Virar Police Station, is present

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 31st AUGUST, 2017

P.C.

1. Heard learned Counsel for the applicant.

2. By this application, the applicant seeks 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 and co-accused-Sudhakar Janardan Gavde, was also granted pre-arrest bail by this Court (Coram: Revati Mohite Dere, J.), vide order dated 9th August, 2017, passed in Anticipatory Bail Application No. 1286 of 2017.

4. Learned APP does the dispute the same.

5. Perused the papers. The applicant was also a sub-contractor, who was appointed by M/s.Shree Datta Builders and Developers. It appears that the applicant had nothing to do, with either the procurement of the commencement certificate nor is he stated to have forged the said documents. It appears, that the applicant had 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 and Sudhakar Gavde, also sub-contractors, have been granted pre-arrest bail, by this Court. The applicant has reported to the Investigating Officer, as directed 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 a 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 accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.