

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1535 OF 2016

Manohar Rajaram Korgaonkar & ors.	.Applicants
Vs.	
The State of Maharashtra	.Respondent

**WITH
CRIMINAL APPLICATION NO. 973 OF 2016
(For Intervention)
IN
ANTICIPATORY BAIL APPLICATION NO. 1535 OF 2016**

Sharad Pandurang Rane	.Intervenor
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IN THE MATTER BETWEEN

Manohar Rajaram Korgaonkar & ors.	.Applicants
Vs.	
The State of Maharashtra	.Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1490 OF 2016**

Ravindra Narsinh Shelar	.Applicant
Vs.	
The State of Maharashtra	.Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1719 OF 2016**

Sakharam Baburao Chaudhari	.Applicant
Vs.	
The State of Maharashtra	.Respondent

Mr. P. A. Bhangale, Advocate, for the Applicants in ABA Nos. 1535 & 1719 of 2016
Mr. V. Rathod a/w Mr. B. Chcunel i/b. Mr. N. Sharma, Advocate, for the

Applicant in ABA No. 1490 of 2016

Mrs. A. A. Takalkar, APP, for the Respondent – State in all matters

Mr. J. N. Jayale, Advocate, for the Intervenor in Cri. Appln. No. 973 of 2016

CORAM : A.S.GADKARI, J.

DATE : 11.12.2017

P.C.

. The Applicants are apprehending arrest in CR No. 37 of 2016 dated 17.03.2016 registered with Jogeshwari Police Station, Mumbai under Sections 420, 465, 467, 468, 471 r/w 34 of the Indian Penal Code.

2. Heard the learned counsel for the Applicants, the learned APP for the State and the learned counsel for the Intervenor.

3. Perused the record of investigation.

The first information report is lodged by Shri Sharad P. Rane. It is stated that the residents of Francis wadi had formed “Francis Wadi Residents Association” and the same was registered in the year 1980. That a no confidence motion was moved against earlier committee members and in the year 2014, the general body elections were conducted. That thereafter, the first informant was appointed as Secretary of the said Association. It is stated that in the year 2006, the Applicant Manohar R. Korgaonkar was a committee member of the earlier managing committee and under his leadership, being a Chief

Promoter submitted a proposal for Slum Rehabilitation Scheme of the said Francis Wadi Residents Association. Shri Mannan Shaikh was invited for implementation of SRA Scheme of Francis Wadi. It is alleged that while submitting the consent letters of residents of the said Association to the Competent Authority of MHADA, the Applicants herein being the committee members of the Francis Wadi submitted some of the consent letters with forged and fabricated signatures and/or thumb impression of persons who were either dead or not members of the said Association. The said fact was revealed to the first informant after seeking information under the Right to Information Act from MHADA. It is stated that the Applicants herein by forging signatures of persons/members of the said society who were either dead or were not in existence submitted the said proposal to MHADA. In the premise, the first information report is lodged.

4. The learned APP on instructions submitted that the concerned officer from MHADA has stated that the original alleged fabricated documents/consent letters have not been received by its office and what has been received by the said office are photocopies of the documents which are alleged to have been forged by the Applicants. It is to be noted here that the investigating officer has not taken any pains either to contact the Competent Authority constituted under the

Maharashtra Co-operative Societies Act and/or other Government Authorities for verification of the said statement made by the officer from the MHADA.

5. After perusing the entire record, this Court is of the prima facie view that, basically it is a dispute between two groups of committee members of the said Association to have control over the development of SRA Scheme of Francis Wadi and nothing else. The preparation of final Index II list has already been halted at the instance of the first informant. The record indicates that out of the 997 members of the said society, it is till date found in investigation that, in only 22 cases the signatures have been either allegedly forged and/or thumb impressions have been put on the alleged fabricated consent letters. It appears that the first informant for his personal ego and/or interest in the development of the said property had halted the entire project thereby causing irreparable harm and loss to other more than 950 residents of the said Association. As noted earlier, it clearly appears that, it is the dispute between two groups of committee members who are more interested in their personal egos than the development of the said SRA Scheme. The investigation of the present crime is on the verge of completion.

6. In view of the above, this Court is of the considered view that for further investigation of the present crime, the custodial interrogation of the Applicants is not necessary. The Applicants, therefore, deserve to be protected by pre-arrest bail.

Hence, the following Order:

(i) In the event of arrest in CR No. 37 of 2016 registered with Jogeshwari Police Station, Mumbai, the Applicants shall be released on bail on their furnishing PR Bond in the sum of Rs.20,000/- each with one or two separate local sureties in the like amount.

(ii) The Applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

7. Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)