

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.812 OF 2017

Navnil s/o Rajendra Agrawal, Shantideep, Nayapress, Tah. Akot, Akola

-vs-

State of Maharashtra, Thr. PSO, PS City Kotwali, Dist. Akola

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sunil Manohar, Senior Advocate with Shri V. B.  
Bhise, Advocate for applicant.  
Shri S. M. Ghodeswar, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : November 29, 2017**

Heard.

The applicant apprehends his arrest in connection with Crime No.230/2017 registered at Police Station City Kotwali, Akola, for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code.

As per the First Information Report dated 31/10/2017 the applicant is alleged to have obtained environmental clearance by submitting false documents so as to indicate that the persons for whom the same was being applied were alive. This report is based on communication of the Tahsildar dated 25/05/2016 in which it is stated that Survey No.2 admeasuring 0.40 R land was initially owned by one Rajendra Agrawal. He had applied for environmental clearance on 21/04/2013. Said Rajendra had infact expired on 02/05/2009 i.e. prior to making of that application. Similarly the land in question was owned by one Kamlabai Soyam and she had also

expired on 05/12/2007. It is on this basis that the clearance was sought giving rise to the aforesaid report.

It is submitted by the learned Senior Counsel on behalf of the applicant that though the applications seeking environmental clearance showed the name of his father Rajendra Agrawal, they were infact signed by the applicant. There is no intention to defraud the Authorities and it is only because the lease stood in the name of the father that the clearance was sought in his name. Pursuant to the inquiry which was held the environmental clearance now stands cancelled. Considering the aforesaid facts and the undisputed aspect that the names of legal heirs of Rajendra have also been entered in the 7/12 extracts of said land, a case for grant of protection is made out. It is submitted that considering the nature of allegations, the custodial interrogation of the applicant is not warranted.

The application is opposed by the learned Additional Public Prosecutor. It is submitted that the applicant was aware that the landholder Kamalabai had already expired. Similarly on the date when the clearance was sought the applicant's father had also expired. Hence the intention of the applicant is clear and therefore he is not entitled for any protection.

Perused the First Information Report as well as the police papers. The documents indicate that the application seeking environmental clearance was made by the applicant on 21/04/2013 and it was signed by the applicant as representing

his father. The 7/12 extracts of the land in question for the year 2013 indicate that after the death of the applicant's father, the names of all the legal heirs were entered therein. The report of the Tahsildar dated 25/05/2016 indicates that necessary inquiry was made and it was revealed that the landholder as well as the lessee had expired when the environmental clearance was sought. Considering the fact that the applicant has sought to obtain the clearance in the name of his father on the ground that the lease was granted in the name of his father coupled with the fact that there is no dispute with regard to ownership of the land in question or the existence of the lease, I am inclined to grant protection to the applicant. He can be directed to co-operate with the investigation.

Hence, in the event of applicant's arrest in connection with Crime No.230/2017 registered at Police Station City Kotwali, Akola, for the offence punishable under Sections 420, 468 and 471 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station as and when directed by the Investigating Officer.

No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

**JUDGE**