

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

CRIMINAL APPLICATION (ABA) NO.831/2017

Dipak s/o Ramesh Zambad and anr

..vs..

State of Mah., thr. PSO City Kotwali, Akola, Taluka and Distt. Akola

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

Court's or Judge's Order

Shri R.M. Daga, Counsel for the applicants.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017.

1. Heard learned counsel Shri R.M. Daga for the applicants and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. Learned counsel Shri R.M. Daga extensively argued the matter. However, during the course of his argument, he tried to point out that at least anticipatory bail be granted to applicant No.2 on the ground of his age.

3. The offence is very serious. The applicants tried to grab the Government Land. The intention to grab this land is writ-large since even from the documents filed along with application it is clear. The applicants executed sale-deed in respect of adjacent land to the land in question to one builder for more than 1.00 crore and the said builder is

constructing commercial complex as it could be seen from the suit filed before the Court having commercial jurisdiction.

4. Thus, there is a grain of truth in the complaint lodged by the Deputy Superintendent of Land Records that the present applicants tried to grab the land by creating false documents generated on the computer of which there is no record in the office of the land records.

5. It appears to this Court that the land is having commercial value.

6. The statements of witnesses, as pointed out before this Court by learned Additional Public Prosecutor Shri N.B. Jawade for the State, clearly show the attempts on the part of both the applicants and not applicant No.1 as tried to be canvassed before this Court by learned counsel Shri R.M. Daga for the applicants. Therefore, in my view, the said submission cannot be accepted.

7. When the Court expressed its opinion, learned counsel Shri R.M. Daga for the applicants submits that he wishes to withdraw the present application.

8. Normally, the Courts grants such a permission. However, in this case the Court is rejecting the said prayer since the applicants are trying to grab the Government Land property with an intention to sell to builder by creating false documents and pretending that it is their private property.

9. **Consequently, the criminal application is rejected.**
It is always open for the applicants to file an application for
grant of bail or otherwise before the Competent Court.
10. **The criminal application is rejected and disposed**
of accordingly.

JUDGE

!! BRW !!