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

ANTICIPATORY BAIL APPLICATION NO.853 OF 2018

Govinda Yallappa Gunjalkar

Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Rahul S. Kate for applicant.

Mr. M.G. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd July 2018.

P.C.:

1] The applicant is apprehending arrest in CR. No.91 of 2018 dated 31.3.2018 registered with Vasai Police Station, District- Palghar under Sections 384, 386 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Shamshuddin Mobin Khan. It is stated that, he is the Director of Sakib K. Infratech India Pvt. Ltd.. That in the year 2011 his Company purchased land admeasuring approximately 16 acres and 8 ares from its owner namely Shri Janardan

Sane and others. The said land is vacant till date. It is alleged that the applicant along with other accomplice on various occasions lodged complaints with the Collector, Thane and to the Principal Secretary, Revenue Department, Government of Maharashtra stating therein that the said land is owned by the Forest Department and the same cannot be converted for industrial purpose. That last such complaint was made on 8.1.2015 with the Government of Maharashtra. That in furtherance of the said complaints, the applicant gave a phone call to the first informant calling upon him to meet at his office situated at Bhabhola Naka, Vasai. The applicant thereafter demanded ransom of Rs.1.00 Crore from the first informant, failing which it was told that a question will be raised in the Assembly in respect of the said land and the said land will be forfeited in favour of the Government. After negotiation, the first informant agreed to pay a sum of Rs.50.00 lakhs to the applicant. The applicant further threatened the first informant, if the said amount is not paid, the first informant will have to face severe dire-consequence thereof. It is alleged that, in pursuance of the said threats, the first informant paid Rs.5.00 lakhs to the applicant in August 2015. It is further alleged that the applicant was thereafter continuously demanding the balance amount and extended

threats to the life of informant. The first informant thereafter made communication with the Chief Conservator of Forest, Revenue Department, Government of Maharashtra on 27.11.2015 when it was informed to him that the said land is denotified as per the rules of Forest Department. The first informant therefore did not pay balance amount of Rs.45.00 lakhs to the applicant. It is further stated that, the applicant thereafter again lodged various complaints against the first informant and its Company with the Government Authority and therefore being fade-up with the constant harassment at the hands of the applicant, the first informant registered the present complaint belatedly against the applicant.

4] The learned Counsel for the applicant submitted that, the applicant is the President of Nationalist Congress Party of District Palghar and is also intending to contest election in the ensuing election and with a view to malign his image the present complaint is lodged which is politically motivated. That the first informant being the purchaser of the said land which belongs to the Forest Department and therefore the applicant had lodged complaints with the concerned Authorities. That though the Government has denotified the said land from the Column of Forest, the first informant is not entitled to use it for other purpose. He

submitted that the people from vicinity with malafide intention lodged various crimes against the applicant. He submitted that the applicant is an innocent person and it is only because of his influence in the social field, he is being targeted by his opponents. He therefore prayed that the present application may be granted and the applicant may be protected by pre-arrest bail.

5] The facts mentioned in the forgoing paragraphs as have has been reflected in the first information report are admitted facts on record. Apart from this, the applicant is also involved in other four crimes registered with different police stations which are as under:-

- (i) CR No/91 of 2006 registered with Manikpur Police Station under Sections 143, 341, 353 of the Indian Penal Code.
- (ii) CR No.182 of 2010 registered with Manikpur Police Station under Sections 143, 146, 147, 149, 341, 353 of the Indian Penal Code.
- (iii) CR No.100 of 2018 registered with Vasai Police Station under Sections 384, 386 of the Indian Penal Code.
- (iv) CR No.123 of 2018 registered with Nalasopara Police

Station under Sections 384, 386 of the Indian Penal Code.

6] Thus it is clear that the applicant is a habitual offender and indulging into criminal activities in the said locality. This Court in another Anticipatory Bail Application bearing No.917 of 2018 preferred by the present applicant by an Order of even date by a speaking Order has rejected the application for pre-arrest bail. Unless and until there is thorough interrogation of the applicant, entire truth behind the crime cannot be unearthed.

7] In view of the above and after taking into consideration the record of investigation, serious allegations against the applicant and the gravity of offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)