

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 1480 OF 2018****WITH****BAIL APPLICATION NO. 1481 OF 2018****WITH****BAIL APPLICATION NO. 1482 OF 2018**

Vinod Gopal MukadamApplicant.

Vs.

The State of MaharashtraRespondent.

WITH**BAIL APPLICATION NO. 1563 OF 2018**

Sagar Vijay MukadamApplicant.

Vs.

The State of MaharashtraRespondent.

Mr. M.S. Mohite I/by Rachana Divekar for the Applicant.

Ms. Sanjana Pardeshi I/by A.L. Chaudhari for the Applicant in Bail Application No. 1563 of 2018.

Ms. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 13th AUGUST, 2018.****P.C.:-**

These are the Applications under Section 439 of the Code of Criminal Procedure for bail.

2 The Applicant Vinod Mukadam has filed Application Nos. 1480 of 2018, 1481 of 2018 and 1482 of 2018 for bail in CR Nos. I-90 of 2018, I-103 of 2018 and I-104 of 2018 registered with Narpoli Police Station, Taluka Bhiwandi, District Thane under Sections 420, 406, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

 The Applicant Sagar Mukadam has filed Application No. 1563 of 2018 for bail in CR No I-103 of 2018 registered with Narpoli Police Station, Taluka Bhiwandi, District Thane under Sections 420, 406, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3 Heard the respective learned counsel appearing for the Applicants and the learned APP. Perused the charge-sheet.

4 The prosecution case in brief is that, Gopal Mukadam is the original landlord of the land in question. He has four sons namely Vijay Mukadam, Vinod Mukadam, Vikas Mukadam and Vishal Mukadam. The land involved in the present crime is Survey No. 114 lying and situated at Village Kalher, Taluka Bhiwandi, District Thane, admeasuring about two hectares. That, Vijay Mukadam and Vikas Mukadam had executed registered power of attorney on 2nd May,

2016 in favour of Vinod Mukadam and Vishal Mukadam for dealing with the said land and in particular for giving the said land for development to Builders. That, accordingly Vinod Mukadam and Vishal Mukadam entered into seven Development Agreements with Maitri Group of Builders and Developers. Accordingly, the concerned Builders constructed buildings on the said land. It is alleged that, the concerned Builders by using forged and/or fabricated documents, such as NA permission, Commencement Certificate and other necessary documents allegedly sanctioned by the Government Authorities, constructed buildings thereon.

The Collector of Thane visited the said plot of land and found that the buildings are constructed by using forged and/or fabricated documents and thereafter initiated action in that behalf. Accordingly, the afore-stated crimes are registered against the accused persons.

5 The allegation against Sagar Mukadam is that, Vinod Mukadam and Vishal Mukadam further executed power of attorney in his favour dated 15th December, 2016, giving him power to present Agreement For Sale of the concerned tenements from the said buildings constructed on the said piece or parcel of land, with the

Competent Authority.

During the course of investigation, the Applicants came to be arrested on 24th February 2018 and after completion of investigation, the police have submitted charge sheets.

6 The record indicates that, the Applicant Vinod Mukadam along with his brother Vishal Mukadam in furtherance of power of attorney given to him by his brothers, entered into development agreements with concerned Builders and Sagar Mukadam has presented the said documents of Sale Agreements before the Sub-Registrar of Assurances for registration of the concerned tenements/flats.

7 The record indicates that, during the search conducted by the Investigating Agency on 23rd February 2018, at the office of Maitri Group, various documents such as NA permission granted by the Collector of Thane dated 12th August, 2010, Commencement Certificate allegedly issued by the MMRDA dated 6th March, 2011 and the lay-out plan of the concerned property were seized from the said office. The said documents are allegedly forged and/or fabricated documents.

Prima facie, it appears that, the Applicants are not responsible in manufacturing and/or fabricating the said documents and it is the accused persons from Maitri group of Builders, who are instrumental in it.

8 It, *prima facie*, appears that, the Applicants being the landlords of the said property, whereon the said illegal buildings are constructed, have been impleaded in the present crime. It further *prima facie* appears that, Sagar Mukadam has practically no direct role to play in the present crime. The Applicants are arrested on 24th February, 2018 and after completion of investigation the police have submitted charge sheet.

9 In view thereof, the Applicants can be released on bail.

Hence, the following order.

- a) The Applicant Vinod Mukadam be released on bail in CR Nos. I-90 of 2018, I-103 of 2018 and I-104 of 2018 registered with Narpoli Police Station, Taluka Bhiwandi, District Thane on his furnishing PR bond of Rs.25,000/- in each crime with one or two separate solvent local sureties in the like

amount.

- b) The Applicant Sagar Mukadam be released on bail in CR No I-103 of 2018 registered with Narpoli Police Station, Taluka Bhiwandi, District Thane on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- c) After their release from Jail, the Applicants shall attend the Narpoli Police Station, Taluka Bhiwandi, District Thane, on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- d) The Applicants shall attend all the dates before the Trial Court unless precluded on medical reasons.
- e) The Applicants shall not tamper with the evidence and/or pressurize the prosecution witnesses.

10 All the Applications are allowed in the aforesaid terms.

**S S
Mashalkar**

Digitally signed by
S S Mashalkar
Date: 2018.08.16
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(A.S. GADKARI, J.)