

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

BAIL APPLICATION NO. 2752 OF 2018

Balasaheb Vishwas Chavan

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Dilip Bodake for the Applicant.

Mr. Ajay Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th DECEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 140 of 2018 dated 28th March, 2018 registered with Chaturshrungi Police Station, District Pune City, under Sections 120-B, 420, 465, 467, 468, 471, 474 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 It is the prosecution case that, the land of the first informant Shri. Prasad Balwadkar was acquired by the Competent Authority for the purpose of constructing National Highway No. 4 and the first informant and his family members were entitled for the compensation to the tune of Rs.4,35,34,331/-. Shri. Amrut Natekar,

accused No.6 was the Special Land Acquisition Officer appointed in pursuance of the Notification of the Government. After receipt of the notice of land acquisition, the first informant approached the office of the Special Land Acquisition Officer wherein, Shri. Amrut Natekar informed the first informant to give his mobile number to Shri. Balasaheb Chavan (Applicant) who was the Personal Assistant of the Special Land Acquisition Officer. It is the prosecution case that, on the count of making payment of the said amount of Rs.4,35,34,331/- towards the compensation, the accused persons herein, extracted an amount of Rs.53 lakhs from the first informant from time to time and particularly from 15th April 2017 to 1st March, 2018 by way of cash and/or transfer through RTGS/NEFT.

It is the further prosecution case that, though the accused No.4- Sarjerao Mohite had retired as a Deputy Collector, with a view to win the confidence of the first informant, the accused persons represented the informant that the said accused No.4 is still working as an Additional Collector at Navi Mumbai. That, as the accused persons fail to give the agreed compensation amount towards the land acquisition, with a view to further cheat the informant, accused persons issued a bogus letter/Order thereby depicting that the

acquired lands have been deleted from the process of acquisition and the names of the informant and his family members are again incorporated in the revenue record.

4 During the course of the investigation, the Applicant came to be arrested on 10th April, 2018 and after completion of investigation, police have submitted charge sheet.

5 The record indicates that, the Applicant was working as a Personal Assistant of Shri. Amrut Natekar, the then Special Land Acquisition Officer to whom the first informant met at the first time in his office and the said accused Shri. Amrut Natekar told the informant to give his details to the Applicant being his Personal Assistant.

6 As per the submission of the learned counsel appearing for the Applicant, Shri. Amrut Natekar, though has been made accused No.6 in the present crime and is shown absconding and as per his further instructions, he is working at Sangli as a Deputy Collector. It appears that, the Investigating Agency is having soft corner towards Shri. Amrut Natekar, who is stated to be a Deputy Collector of Sangli and as per the prosecution, is the prime accused in the present crime. It *prima facie* appears that, the Investigating Officer has not taken proper steps to procure presence of the said accused No.6.

7 The record indicates that, the Applicant has no direct role to play in the present crime. The investigation in the present crime *qua* the Applicant is already completed and no purpose will be served by further keeping the Applicant in incarceration.

8 In view of above, the Applicant can be released on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 140 of 2018 dated 28th March, 2018 registered with Chaturshrungi Police Station, District Pune City, on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.
- b) After his release from Jail, the Applicant shall attend the Chaturshrungi Police Station, District Pune City, on every first Monday of the month between 11.00 a.m. and 1.00 p.m.
- c) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

9 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)