

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI ANTICIPATORY BAIL APPLICATION NO. 2351 OF 2018

Suresh Govind Lokhande

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Hrishikesh Mundargi, i/b Mr. Madan Gupta, for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent/State.

Mr. Vijay Gole, PSI, Worli Police Station, present.

CORAM: PRAKASH D. NAIK, J

DATED: 5th December, 2018

PC:-

1. This is an application for anticipatory bail in connection with CR No.290 of 2018 registered with Worli Police Station, for the offences punishable under Sections 419, 465, 468, 471 read with Section 34 of Indian Penal Code. The applicant along with others implicated as accused in this case.

2. The prosecution case is that the complainant is an Assistant Officer, in SRA, Mumbai. As per circular No.162 issued by SRA regarding the slum rehabilitation of Mayanagar, Achanak Nagar Sahakari Grihnirman Sanstha in the rehabilitation building No.3(A), three flats were distributed by lucky draw dated 1st June, 2016. Flat No.1603 was allotted to late Sarubai Basappa Ashtekar and on the day of lucky draw, late Sarubai Ashtekar was absent. It is alleged that Mayanagar – Achanak nagar Sahakari Grihnirman Society has forwarded the letter dated 26th July, 2018 to exchange flat No.1603 of late Sarubai Basappa Ashtekar and SRA exchanged

the same vide letter dated 12th August, 2016. The complainant personally visited the society on 16th September, 2017. On the day of visit, the President, Secretary and Treasurer of the society were present. It is alleged that other hut owner had complained that as per Annexure-II, Serial No.93 the hut of Sarubai Ashtekar was eligible on the day of lucky draw, but she was absent. It is alleged that there is fabricated document prepared in the name of Sarubai Ashtekar seeking exchange of the flat, when she was already dead.

3. In a similar case, another FIR vide CR No.289 of 2018 was registered with the same police station on 2nd November, 2018. It was alleged that similar form was submitted and one Chandu Jabaji Misal had sought exchange of flat, who was dead, with the aid of fabricated letter bearing his thumb impression. The letter was forwarded to the SRA on 26th July, 2016 and the other letter dated 6th October, 2016, which is subject matter of CR No.289 of 2018, was signed by the Secretary and the President of the society. It is pertinent to note that the applicant had applied for anticipatory bail in connection with CR No.289 of 2018. The secretary Vikas Patel, who had signed letter dated 26th July, 2016, which is the subject matter of the present FIR, had also applied for anticipatory bail. Both applications were allowed. However application of the applicant in present FIR was rejected. It is submitted that the applicant is not beneficiary of the said document. While allowing the application for anticipatory bail in CR No.289 of 2018 preferred by the Secretary Vikas Patel, it was observed that there was a scheme of Government of Maharashtra for slum rehabilitation area and accordingly the Government had distributed the tenements to the residents of slum area and out of that one was in the name of Chandu Misal, but he was absent on the day of lottery. In fact, he died in the year 2004 but allotment

was carried out in the year 2016. It was further observed that there was mutual understanding regarding exchange of tenement. Generally the legal heirs of the person who died can make such a request for exchange. It was further observed that there is direction of the Government to refer the matter to State Board Committee in respect of any irregularity regarding slum rehabilitation scheme. There was no such reference in the said matter. Considering the fact that the Secretary and the President were granted bail in CR No.289 of 2018 and the fact that the co-accused, who signed the disputed letter, which is subject matter of the present case, is also granted anticipatory bail, the application of the applicant is required to be allowed.

4. Hence the following order:

: O r d e r :

- (i) Anticipatory Bail Application No.2351 of 2018 is allowed.
- (ii) In the event of arrest of the applicant, in CR No.290 of 2018 registered with Worli Police Station, for the offences punishable under Sections 419, 465, 468, 471 read with Section 34 of Indian Penal Code, be released on bail on furnishing Personal Bond of Rs.25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report the Investigating Officer as and when called for till filing of charge-sheet.

5. Application stands disposed of.

[PRAKASH D. NAIK, J.]