

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

ANTICIPATORY BAIL APPLICATION NO. 467 OF 2019

Dhrupad Shyam Bhihari Singh & Ors.	...	Applicants
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Sanjeev Kadam i/b. Mr.Akhilesh Singh for the Applicants.
- Mr.R.M. Pethe, APP for the Respondents.
- Mr.Vijay Chavan, PSI, Waliv Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd FEBRUARY, 2019.

P.C. :

1] This application is for anticipatory bail in C.R. No. 49 of 2019 registered with Waliv Police Station for the offence punishable under Sections 26 (1) (a), 26 (1) (g), 26 (1) (f), 26 (a) (h), 42, 41, 63(c), 72, 33 of the Indian Forest Act and Sections 420, 406 read with Section 34 of the Indian Penal Code.

2] The case of the Prosecution is that the accused have carried out the construction on the forest land and by executing several documents they constructed tenements and handed over to other persons who are occupying the same. The accused have

encroached upon the Government Forest land and representing that it is owned by them. Plotted the land and carried out unauthorized construction of chawls and sold the rooms/shop gala's to victims by executing Notorized agreements, Sale-deed and cheated them. The Forest Department conducted survey and it was revealed that the Applicants and several other persons are involved in encroaching the forest land and carrying out the construction.

3] Learned counsel for the Applicants submits that the Applicants are not concerned with the construction and there is no evidence to establish that the Applicants are involved in carrying out the construction activities or encroaching upon the forest land.

4] It is apparent that the Forest Department had conducted survey and forwarded the correspondence to the Police Department giving details about encroachment. During the course of the inquiry, it was revealed that the Applicants and several other persons were involved in encroaching the forest land and committed the offence as alleged in the First Investigation Report. Notices were issued under Sections 53 and 54 for removal of encroachment. The victims occupying premises were heard and on the basis of documents supported by them, it was revealed that about 39 developers including

Applicants were involved in encroachments and cheating.

5] Therefore, since the investigation is in progress and considering the role attributed to the Applicants, no case for grant of anticipatory bail is made out. Hence, the Application is rejected.

[PRAKASH D. NAIK, J.]