

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.674 OF 2018

Anil Dattatraya Palli] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Sarang Aradhye a/w Mr. Milind Prabhune, Advocate for the Applicant.

Mr. S.H. Yadav, APP for the State/Respondent.

PSI S.S. Markute attached to MIDC Police Station, Solapur City present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 23rd JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.126/2018 registered at MIDC Police Station, Solapur City u/sec. 420, 423, 424, 468, 470, 471 r/w 34 of I.P.C.
2. The FIR is the result of the order passed by the Ld. J.M.F.C., Court Room No.1 at Solapur u/sec. 156 (3) of Cr. P.C.
3. The original complaint and the FIR was lodged by one Devidas Pukale. He has stated in his FIR that, the mill workers of Yashwant

Co-operative Cotton Mill had formed a co-operative society by the name of “Yashwant Sahakari Sut Mill Girani Niyamit Solapur”. It was a co-operative society established for the purpose of providing residential accommodation to the mill workers. At the relevant time, the present applicant was the Chairman of the society. The society had purchased old Survey No.130/2 A (new Survey No.128/2 A) admeasuring 4 H 12 R. The land was purchased vide registered sale deed dated 05/10/1988.

4. The first informant is one of the member of the society. According to him, the main accused i.e. Yadgiri had no concern with the society. The applicant had resigned from his post as the Chairman of the society. Thereafter, one Ashok Bandewar became the Chairman and his name was added in the 7/12 extract in respect of that property. It is alleged in the FIR that, the main accused Yadgiri in collusion with the present applicant misled eleven members. These members were made to pass a resolution in the year 2010. Ashok Bandewar's forged signature was obtained on the documents and the accused Yadgiri's name was mentioned in the revenue records in respect of that property. After this, the accused Yadgiri sold about 65

flats to different persons illegally. The allegations regarding false entry in the revenue records was a subject matter of the proceedings before the Additional Collector, then before the Assistant Revenue Commissioner, Pune and then before the Revenue Minister. The proceedings are still pending. The allegations in the FIR are that, the accused Yadgiri in collusion with the present applicant sold plots to different people unauthorisedly and therefore this FIR was lodged.

5. Heard Mr. Sarang Aradhye, Ld. Counsel for the Applicant and Mr. S.H. Yadav, Ld. APP for the State/Respondent.

6. Ld. Counsel for the applicant submits that, the FIR itself does not make out any case against the present applicant. The applicant had resigned from his post in the year 1994 and since then he had no connection with affairs of the society. There is nothing to show that, the applicant had taken active part in helping the main accused Yadgiri.

7. Ld. APP submitted that there are sufficient allegations in the FIR and therefore his custodial interrogation is necessary.

8. I have considered these submissions. The FIR itself concentrates on the role played by the main accused Yadgiri. There is nothing in the allegations and nothing is pointed out to me by the Ld. APP on instructions of the Investigating Officer that, the present applicant had played any role in getting the entries changed in the revenue record. Ld. APP could not point out any statement or material showing that the applicant was instrumental in passing the controversial resolution electing accused Yadgiri as the Chairman of the society.

9. The allegations in the FIR show that, Yadgiri had formed a co-operative society which was not even registered and the applicant really had no connection with his society. Ld. Counsel for the applicant states that, the present applicant had resigned from his post of the Chairman of the said society in the year 1994 itself. The investigation papers do not show any part played by the present applicant after that. The subject matter of this FIR is the offence which is committed much later i.e. after 2010. Ld. APP could not point out any other material supporting the allegations in the FIR. In this view of the matter, apparently present applicant does not have any connection with the alleged offence. Therefore, his custodial

interrogation is not necessary, though he will have to co-operate with the investigation. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.126/2018 registered at MIDC Police Station, Solapur City, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. The applicant shall attend the concerned police station as and when called and shall co-operate with the investigation.
3. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)