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

ANTICIPATORY BAIL APPLICATION NO.1562 OF 2019

Ajaykumar Gyanchandra Gupta and Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr.R.S.Datar i/b Mr.D.S.Pagare, for the Applicants.

Mr.S.V.Gavand, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JULY, 2019

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the applicants seek pre-arrest bail in connection with C.R.No.I-28 of 2019 registered with the Kalyan Taluka Police Station, Thane Rural, for the alleged offences punishable under Sections 420, 447, 467, 468, 471 r/w 34 of the Indian Penal Code and under Section 33 of the Indian Forest Act.

3. Perused the papers. According to the prosecution, information was received from the Forest Range Officer – Kalpana Waghere, Kalyan Division, District – Thane, that some rooms were constructed on the forest land. It appears that about 342 rooms were constructed by different accused persons on the said forest land. It is the prosecution case, that the applicants and their associate co-accused - Satish Gupta constructed 15 such rooms on the forest land and sold the said rooms to different persons. A perusal of the statement of Kailash Gupta shows that he had paid a sum of Rs.8 lakhs for 2 rooms to the applicants and co-accused – Satish. The said witness has stated that the applicants were partners of Satish Gupta. Similarly the statement of Rita Gupta also shows that she had paid a sum of Rs.9 lakhs for 2 rooms to the applicants and Satish. The rooms were built on the forest land. For the sale of the said rooms notarized documents were executed between the parties. It appears that the applicants showed different lands to the purchasers and constructed rooms on the forest land. There are several persons who have been duped, apart from the aforesaid witnesses. The applicants have also signed the notarized documents as witnesses.

4. Considering the complicity of the applicants, this is not a fit case to grant pre-arrest bail to the applicants. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

5. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.