

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

ANTICIPATORY BAIL APPLICATION NO.353 OF 2019

Mr. Kishor Laxman Jagtap Applicant
 Vs.
The State of Maharashtra & Anr. Respondents

Mr. Induprakash Tripathi i/by Mr. C.K. Tripathi for Applicant.
Ms. Sharmila S. Kaushik, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 14th JULY, 2021

P.C.:

1. Heard Mr. Tripathi, learned counsel appearing for the Applicant.

2. By this application, the Applicant is seeking anticipatory bail in Crime No. 166 of 2018, registered with Vikhroli Police Station, Mumbai for the offences punishable under Section 420 read with 34 of Indian Penal Code, which is presently investigated by D.C.B., C.I.D., Mumbai vide C.R. No. 85 of 2018, punishable under Sections 420, 465, 467, 468, 471, 120-B, read with 34 of the Indian Penal Code.

3. The prosecution case against the Applicant is, the Applicant in his capacity as an employee of MHADA facilitated the co-accused in selling transit accommodation which is not permissible in law.

4. The role attributed to the Applicant is that of signing the possession letter dated 17th October, 2015, which is countersigned by the Rent Controller and the Section Engineer of F-2 Ward from MHADA office.

5. The accused apart from above contention in additional affidavit has also stated that the charge-sheet in the matter is already filed and other accused are already released on regular bail.

6. The present applicant approached the Sessions Court, however, since the Sessions Court has not granted ad-interim protection. In the present application, on 8th February, 2019, this Court has granted protection from arrest and as such since more than 2 ½

years, the applicant is enjoying protection under Section 438 of Code of Criminal Procedure.

7. In the aforesaid background, the application is disposed of by following order :

O R D E R

i) In the event of arrest in Crime No. 166 of 2018, registered with Vikhroli Police Station, Mumbai for the offences punishable under Section 420 read with 34 of Indian Penal Code, which is presently investigated by D.C.B., C.I.D., Mumbai and subsequently renumbered as C.R. No. 85 of 2018, for offences punishable under Sections 420, 465, 467, 468, 471, 120-B, read with 34 of the Indian Penal Code, the applicant be released on bail on his executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

ii) The applicant shall attend the Investigating Officer i.e. Senior Inspector, Vikhroli Police Station, on 26th July, 29th July and 31st July, 2021 between 10.00 am. to 12.00 pm. and thereafter as and when directed;

- iii) The applicant shall not influence the prosecution witnesses or tamper with the evidence.

(NITIN W. SAMBRE, J.)