

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

**ANTICIPATORY BAIL APPLICATION NO.1387 OF 2021**

Deepak Bhaskar Khambit .. Applicant

Vs.

The State Of Maharashtra .. Respondent

**WITH**

**ANTICIPATORY BAIL APPLICATION NO.1354 OF 2021**

Suresh Dashrath Wakode .. Applicant

Vs.

The State Of Maharashtra .. Respondent

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Mr.Sanjay Kulkarni a/w Mrs. Sangita Phad, Advocate for  
Applicant in both applications.

Mr. Y. M. Nakhwa, A.P.P. for the State-Respondent.

P.I. Sachin Kotmire, Mira Road Police Station present.  
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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 23<sup>RD</sup> JUNE, 2021**

**PC.**

1. These are applications for anticipatory bail in connection with CR No.126 of 2021 registered with Mira Road Police Station for offences under Sections 15 and 16 of Environmental Protection Act, 1986. The First Information Report (for short 'FIR') is registered on 25.03.2021. The applicants are working as Executive Engineer with Mira-Bhayender Municipal Corporation.

2. The case of the prosecution is that the applicants are Executive Engineers in Mira-Bhayandar Municipal Corporation. The Corporation had issued tender in respect of construction work in prohibited mangroves situated in the vicinity of Mira Road. As per order dated 17.09.2018 passed in Writ Petition No.87 of 2006 Mangroves area is existing since 2005 and it is protected, any construction activity within area of fifty meters is prohibited. The applicants have carried out construction in prohibited area and caused damage to mangroves. The applicants and other accused were involved in carrying out the construction work in violation of CRZ norms and provisions of Environmental Protection Act.

3 Learned advocate for applicants submitted that the Government of India has launched ATAL Mission for rejuvenation and urban transformation for providing basic services like water supply, sewerage, urban infrastructure, storm water drain etc. to household and building amenities. Maharashtra Jeevan Pradhikaran is an undertaking which plans designs, construct, operate and maintain water supply

and sewerage scheme. Storm water drainage project for Mira-Bhaiyender phase II is to create infrastructure and improve services. Agreement is executed between corporation and Jeevan Pradhikaran on 16.07.2018. Under Amrut Mission, 22 Nallas are constructed within municipal limits. Work order was issued on 21.12.2019 to R & B Infra Projects Pvt. Ltd. one of the resident filed complaint to Maharashtra Coastal Zone Management Authority. The Commissioner of Corporation wrote letter dated 07.04.2021 to Assistant Police Commissioner, that the work is carried under Amrut Mission with funds from central Government and state Government. It is supervised by Maharashtra Pradhikaran. The said work is not on survey numbers as stated in complaint. There are mangroves on the said land, nor it affects CRZ.

4. Undisputedly the applicants are working as Executive Engineers in Mira-Bhayandar Municipal Corporation. Learned APP submits that investigation is in progress. The Corporation was directed to furnish details about nature of construction and in which area the construction was being carried out.

there is violation of provisions of law. Five cases were registered against Deepak Khambit. In rejoinder, it is submitted by learned counsel for the applicants that the complaints are false. The Commissioner of Corporation has submitted letter to the police stating that action is initiated without taking the corporation into confidence and repeatedly FIR are lodged. The construction of Nullha was started as per the workorder dated 21.12.2020. Considering the nature of dispute and submissions of both sides, custodial interrogation of the applicant is not necessary.

**ORDER**

- (a) Anticipatory Bail Application No.1387 of 2021 and 1354 of 2021 are allowed.
- (b) In the event of arrest of applicants in connection with C.R. No.126 of 2021 registered with Mira Road Police Station, the applicants be released on bail on furnishing P.R. bond in the sum of Rs. 25,000/- each with one or more sureties in the like amount;
- (c) The applicants shall appear before the Investigating officer as and when called for filling charge-sheet.
- (d) Applications are disposed of.

**(PRAKASH D. NAIK, J.)**