

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

ANTICIPATORY BAIL APPLICATION NO. 2158 OF 2021

Amit Arun Choudhary ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Bhaskar Jha, Advocate for the Applicant.

Mr. Ashutosh Gole, Advocate for the Complainant.

Mr. R. M. Pethe, APP for the Respondent – State.

Mr. Saiprasad Pawar (P. S. I.) Virar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 8th SEPTEMBER, 2021.

PER COURT:

1. This is application for anticipatory bail in C.R. No. 546 of 2021 registered with Virar Police Station on 24th June, 2021 for offences under Sections 420 r/w Section 34 of Indian Penal Code (for short “IPC”) and Sections 52, 53 & 54 of Maharashtra Regional and Town Planning Act, 1966 .

2. The complaint was filed by Pralhad Navnath Khedkar. He is employee as Circle Officer in the office of Tahsildar Vasai. It is alleged that the accused were involved in constructing the premises

on the government land and selling the same to various persons.

3. The applicant had preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 24th August, 2021. While rejecting the said application it was observed that the applicant was involved. He is beneficiary of the profits and proceeds of crime.

4. Learned counsel for the applicant submitted that the applicant is falsely implicated in this case. He is not involved in unauthorized construction. The accused Bhalchandra Patil was granted anticipatory bail by the Sessions Court vide order dated 28th July, 2021. Although he claimed to be material supplier, he is instrumental in carrying unauthorized construction with the help of his associates. He has implicated the applicant. The residents had filed several complaints against persons who are carrying unauthorized construction and the applicant was not amongst such person and no complaint was filed against him. The applicant had filed N.C. complaint against the accused involved in the crime. The entire matter relates to documents. The allegations are vague. He is not involved in selling the premises constructed on the plot. He was granted interim protection by the Sessions Court during the pendency of his application. Subsequently, the application was

rejected. The custodial interrogation of the applicant is not necessary.

5. Learned APP submitted that there is sufficient evidence showing the complicity of the applicant in the crime. He pointed out the documents purportedly executed by the applicant in relation to the sale of the premises situated on the same address stipulated in the First Information Report. On instructions from the officer he submitted that during the course of investigation statements of eight persons are recorded, who stated that the applicant was involved in transactions of sale of premises with them. Investigation is in progress.

6. Learned counsel Mr. Ashutosh Gole submitted that he is representing one of the aggrieved person to whom the premises was sold which is situated on the same property. It is submitted that the premises sold to the applicant by Jitendrakumar Nagendra Zha is situated on the same piece of land. Learned counsel for the applicant however submits in rejoinder that the transactions with the intervenor was executed by another person and not by applicant. The intervenor has no locus to intervene in this application. It is pertinent to note that the intervenor is one of the aggrieved person. The property sold to him is also situated on the

same piece of land. The allegation is that all the accused had acted in connivance with each other. Jitendrakumar Nagendra Zha is the co-accused in this case.

7. In the light of the submission of both the sides, investigation is conducted by the Police, documents shown by learned APP and submissions advanced on the basis of the investigation carried out, this is not the fit case to grant of anticipatory bail. c

ORDER

Anticipatory Bail Application No.2158 of 2021 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)