

PMB

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

ANTICIPATORY BAIL APPLICATION NO. 1483 OF 2017

Megha Rahul Gaware .. Applicant

Vs.

The State of Maharashtra & anr. .. Respondents

Dr. Uday P. Warunjikar for the Applicant.

Mr. N.B. Patil, APP for the Respondent – State.

Mr. Sanjeev P. Kadam i/b Vilasini B, Varsha Thorat I/b. Mr. Prashant P. Raul for Respondent No.2 (Complainant/Intervener).

Mr. Santosh A. Ghatekar, Senior Police Inspector, Vartak Nagar Police Station, Thane City.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 9, 2021

P.C.:-

Heard learned counsel for the parties.

2. Learned APP opposed the Application. Mr. Kadam appeared for the Intervener (complainant). Mr. Kadam vehemently opposed the Application.

3. C.R. No.I-99 of 2017 was registered with the Vartak Nagar Police Station for the alleged offences punishable under Sections

420, 465, 467, 468, 471, 474 read with Section 34 of Indian Penal Code. Learned counsel submits that the Applicant has not been named in the FIR by the complainant-Urmila Surendra Vaskar and that the allegations are against Mr. Sandeep Bandekar, Baliram Bhosale and Rajesh Chikane and the persons from whom the complainant had purchased the hutment. Mr. Warunjikar, learned counsel submitted that it is only in the 4th remand report, that the applicant has been named.

4. I have gone through the order dated 12.09.2017 passed by this Court granting interim protection to the Applicant. This Court has recorded that in respect of C.R. No.I-213 of 2017 filed at the instance of one Aslam Isaque Sharif Maslat against the Applicant where similar allegations were levelled, this Court by an order dated 28.07.2017 granted pre-arrest bail to the Applicant in the said C.R.

5. It is alleged that the Thane Municipal Corporation had engaged the services of the Applicant for cadastral survey and socio-economic survey of hutments vide General Body Resolution dated 17.03.2008 and work order dated 27.02.2009 was issued. It is alleged that the Applicant, for illegal consideration, added names of ineligible persons as beneficiaries. In the affidavit filed

by the Corporation in Public Interest Litigation No.58 of 2015, it is recorded that the Applicant has not given any list of ineligible persons.

6. In so far as the present Applicant is concerned, it is alleged that the Applicant was paid a sum of Rs.45,000/- each by three hutmet dwellers i.e. Rs.1,35,000/-. On 07.02.2020 this Court had granted time to learned counsel for the Applicant to take instructions, whether the Applicant is willing to deposit/pay sum of Rs.1,35,000/- to the Investigating Officer. The said amount was paid in terms of the order dated 07.02.2020.

7. Considering that the main allegations are against Mr. Sandeep Bandekar, Baliram Bhosale and Rajesh Chikane and further that the Applicant has been granted interim protection since 12.09.2017, I am inclined to confirm the order dated 12.09.2017 passed by this Court. Even the Investigating Officer submitted that the investigation is completed and against three main accused, the chargesheet has been filed. He further submits on instructions that the chargesheet against the Applicant will be filed within a period of two weeks from today.

8. In this view of the matter, the present Application deserves to be allowed. Hence, the following order :-

O R D E R

- (i) The Anticipatory Bail Application is allowed.
 - (ii) In the event of arrest of the Applicant in C.R. No.I-99 of 2017 registered with Vartak Nagar Police Station, the Applicant shall be enlarged on bail on executing P.R. bond in the sum of Rs.50,000/- with one or more sureties in the like amount.
 - (iii) The Applicant shall report to the Investigating Officer as and when called for.
 - (iv) The Applicant will furnish details of her telephone numbers and residential address to the Investigating Officer.
9. The Anticipatory Bail Application is disposed of.

(M.S.KARNIK, J.)

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MAKARAND
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