

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

CRI. ANTICIPATORY BAIL APPLICATION NO. 475 OF 2022

Baliram Murlidhar Pagar	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Aniket U. Nikam a/w. Mr. Piyush R. Toshnival, for the Applicant.

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

PH 1816 N. R. Vayait, Nashik Taluka Police Station.

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**CORAM : C.V. BHADANG, J.
DATE : 16 MARCH 2022**

P.C.

. The Applicant, apprehending arrest, in connection with investigation of Crime No.15/2022 of Police Station Nashik Taluka, District Nashik (Rural), under Section 420, 468 and 471 r/w. 34 of IPC, is seeking anticipatory bail.

2. This Court by an order dated 23 February 2022 has granted interim protection to the Applicant, from arrest on condition of reporting to the Investigating Officer. Indisputably, the Applicant

has reported to the Investigating Officer and has cooperated in the investigation.

3. The aforesaid crime is registered on the basis of the complaint lodged by Shashikant Pandurang Vidhate, who is a Circle Officer at Mahiravani, District Nashik. The Applicant happens to be the Village Development Officer of Gram Panchayat Vilholi. The allegation against the Applicant and one of the co-accused who is a Sarpanch of the Gram Panchayat is that they had signed a draft layout of residential plots in land GAT No.149/2, 150/2, 150/3 at Village Vilholi which was to be forwarded to the Competent Authority at Nashik for approval. It appears that, in the meantime, the Sarpanch who is co-accused had sold certain plots of the land from out of the said layout to third parties. In the meantime, layout was sanctioned of the Competent Authority. However, the said sanctioned layout was not used at the time of the execution of the sale deeds which has led to illegal subdivision of the plots resulting into legal complications.

4. Upon hearing the learned counsel for the parties, it appears that there is a resolution passed by the Gram Panchayat bearing No.87/2018 approving the draft tentative layout which was to be forwarded to the Competent Authority at Nashik. It is in pursuance of this resolution dated 26 October 2018 that the Applicant and the Sarpanch had signed on the draft layout. It is necessary to note that

the sale deeds are executed by the Sarpanch who is owner of the land. The Applicant is not a party to any of the sale deeds. The learned counsel for the Applicant pointed out that the Applicant is a ministerial officer of the village panchayat and was obliged to sign the draft layout as there was a resolution passed by the Gram Panchayat.

5. Learned APP countered this aying that it was for the Applicant to have pointed out to the office bearers and elected members that such a resolution could not be passed.

6. The record discloses that an inquiry was conducted by Block Development Officer (BDO), Panchayat Samiti Nashik and a report dated 7 December 2021 is sent to the Chief Executive Officer to the Zilla Parishad Nashik.

7. The perusal of the said report shows that the BDO has *prima facie* found that the lapse on the part of the Applicant is of a administrative nature without any criminal overtones. I also find that the evidence is of a documentary nature in the form of the draft layout and the sale deeds which have already been recovered by the Investigating Officer.

8. In such circumstances, I do not find that custodial interrogation of the Applicant is necessary. The Criminal Application is disposed of, in terms of the order dated 23 February 2022, which is hereby made absolute subject to the condition that the Applicant shall report to the Investigating Officer as and when required.

C.V. BHADANG, J.