

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1344 OF 2022**

Vasudev Narayan Patil & Anr. .. Applicants

Versus

The State of Maharashtra .. Respondent

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Mr.Anil Lalla i/b Lalla & Lalla for the Applicants.

Ms.Anamika Malhotra, A.P.P. for the State/Respondent.

Ms.Prabha Bhadadare for the Intervenor.

Mr.Vikas Raut, API attached to Narpoli Police Station, present.

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CORAM: BHARATI DANGRE, J.

DATED : 23rd JUNE, 2022

P.C:-

1. At the instance of Head of Kasheli Grampanchayat, Bhiwandi, a complaint is lodged with Narpoli Police Station on 23/03/2022, in respect of the occurrences from 01/04/2017 to 30/03/2021, resulting in invoking Sections 420, 466, 471 read with Section 34 of the IPC.

The complainant alleged that the Grampanchayat has a prescribed procedure for conferring permission/no-objection

for carrying out any construction activity within its jurisdiction and it contemplates an application for such proposed construction and its consideration in the monthly meeting of the Grampanchayat. After the necessary approval, no-objection is issued on the letterhead of the Grampanchayat under the signature of the authorised person, being the complainant. Thereafter, by an outward number, the information is communicated to the concerned.

2. It came to the notice of the complainant that certain forged no-objection certificates were circulated in the locality and one shop named as 'Empire Plaza' was issued such no-objections for every financial year from 2017 to 2021, but there was no outward number on the said no-objection letters and, therefore, she suspected that they were forged one. On recording the statement of the owner, it surfaced that on the pretext that the owner is not required to approach the Grampanchayat for obtaining no-objection, a sum of Rs.15,000/- was collected. This resulted in registration of the crime and the two applicants are alleged to have been forged the said documents and responsible for obtaining a sum of Rs.15,000/- from the said shop owner.

3. The learned counsel for the applicants states that the applicants have reported to the police station on numerous occasions and, rendered their co-operation to the Investigating Officer. When the learned A.P.P. is asked whether the Grampanchayat has been able to unearth similar conspiracy or procedure in respect of any other shop within the vicinity of the Grampanchayat or residential premises, the answer is in the negative. Necessarily, at present it can be seen that this is the only incident, which has come to the notice of the complainant and which was reported. Since, it is not the modus operandi of the applicants to operate in a similar way and extort money from the residents of Grampanchayat on the guise of not obtaining the requisite permission from the Grampanchayat. As far as the present C.R. is concerned, since the applicants have reported to the police station and their specimen signatures have been obtained, I do not deem it necessary to grant custodial interrogation of the applicants in the offence, which involves a sum of Rs.15,000/- and which is alleged to have been made over to the applicants. Subject to the stipulation that the applicants shall continue to render their co-operation, the following order is passed.

: ORDER :

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.165 of 2022 registered with Narpoli Police Station, applicant No.1-Vasudev Narayan Patil and applicant No.2-Sagar Sairam Patil shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- each, with one or two sureties of the like amount.
- (c) The applicants shall report to the concerned police station as and when called for.
- (d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(SMT. BHARATI DANGRE, J.)