

**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2283 of
2022**

Kani @ Kaniraj John Nadar .. Applicant

Versus

The State of Maharashtra .. Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.2284 of
2022**

Dipak Harishchandra Bhandari .. Applicant

Versus

The State of Maharashtra .. Respondent

...

Mr. Rupesh Bhalshankar for the applicant.

Mr.S.V.Gavand, APP for the State.

PI Jagdish Bhople from Charkop police station.

CORAM: BHARATI DANGRE, J.

DATED : 23rd AUGUST, 2022

P.C:-

1 The two applicants i.e. applicant in ABA No.2283/2022 and applicant in 2284/2022 face accusation in C.R.No. 757/2022 registered with

Charkop police station on 31/7/2022. They are apprehending their arrest in the said C.R. the applicant in ABA No.2283/2022 being arraigned as Accused no.2 whereas applicant in ABA No.2284/2022 being arraigned as Accused no.1. The subject C.R invoke Sections 406, 420, 467,468, 471, 474 r/w Section 34 IPC.

Perusal of the complaint filed by one Agatrav Avte which resulted into registration of the subject C.R would reveal that in the year 2015, he was introduced to the present applicant who was residing in the neighborhood and was dealing in property business. He along with one Sahidunnisha Khan, who was also residing in the neighborhood was called by Deepak Bhandari, and he has taken him to a land located in CTS No. 471, Nilkanth Nagar Road, in front of Krushna Building, Kandivli, and he gave an impression to the complainant and his associate that the land is the ancestral property and he is likely to construct a hutment on the said land and within one year, he would start constructing a building and would allot 1 BHK Apartment to both of them.

2 On gaining confidence, the complainant was introduced to two other accused persons,

Kaniraj Nadar and Archana Shinde. The price of the apartment was disclosed as Rs.7 lakhs and when it was expressed that the entire amount cannot be paid in one go, it was agreed that the amount shall be paid in instalments. In the year 2016, a Board of Society was erected on the said plot and the Society registration documents reveal that the applicant was the Chairman and the accused no.3 was appointed as a treasurer.

The complainant in the complaint as given the details of the amount that have been deposited in various accounts of Kaniraj Nadar and Archana Shinde i.e. accused nos.2 and 3. It is alleged that a total sum of Rs.14 lakhs was delivered towards the Apartment in cash or by cheque, the details of which are contained in the complaint. To the surprise, neither the Apartment was delivered, nor the documents which were executed by taking the complainant to Dindoshi Court in September 2016, was delivered.

The complainant has stated that when enquiries were made about on what documents they were made to sign, they were informed that there were document to obtain stay from the Competent Court, and on obtaining a copy of the

plaint in Suit No. 2643/2016 in his name, and another Suit No.2633/2016 in the name of his associate Smt.Khan. It was revealed that the land belongs to MHADA. When a frantic attempt was made to contact the accused persons, they were not reachable and even physically not traceable.

3 It is in the nature of these accusations, the subject C.R is registered, which invoke the above mentioned sections.

4 The learned APP Mr.Gavand has placed before me certain documents of investigation which include the statement of an Advocate recorded on 22/8/2022 through him, distinct Civil Suits came to be filed at the instance of accused no.1 Deepak Bhandari. He approached the counsel and stated that mass demolition is likely to take place by BMC in Charkop area and he know several hutment dwellers who are occupying the hutments in the said area, and it is necessary to obtain stay. The learned Advocate asked for the documents and the presence of the persons to whom the Suits are being filed. Accordingly, the persons were presented occupying the hutments and by affirming the plaint, Suits came to be instituted and the said orders were obtained. The legal remuneration of

the counsel was paid by accused no.1 Deepak Bhandari.

Once again, he approached him by stating that now he wants to institute a case against BMC, and accordingly, in Dindoshi Court, the case was instituted, but no stay order was granted.

5 From the documents placed on record, the modus operandi of the applicant which has surfaced, is to the effect that the applicants have induced persons to make investments and merely by showing that they are occupants of the unauthorized hutments, on demolition by showing that they are the occupiers, an attempt is made to obtain regular allotments, as they are shown as encroachers/occupants of the hutments. In any case, the land on which the construction was to be assured to be carried out, belongs to MHADA and is not the land belonging to Accused no.1.

6 The learned APP Mr.Gavand state that 40 Suits have been filed though till date, the Investigating Officer has recorded statements of 7 such persons who has revealed a similar modus operandi as is disposed by the complainant and

Ms.Khan.

The learned APP has also invited my attention to the antecedents attributed to both the applicants in form of various C.Rs registered with Charkop police station.

7 The aforesaid accusations are serious in nature as an attempt is made to grab the land of MHADA and even the court proceedings have been taken recourse so, for giving effect to the entire incident of cheating by using the complainant and persons like him as occupants of the hutments which was to be demolished and in pursuance of which alternative accommodation/permanent lands are to be allotted in the SRA Scheme..

The aforesaid allegation require a custodial interrogation and hence both the applications are rejected.

(**SMT. BHARATI**
DANGRE, J.)