

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

ANTICIPATORY BAIL APPLICATION NO.3164 OF 2021

Sandeep Sebastian D'mello

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Anil D'souza for the Applicant.

Mr. N.B. Patil, APP for Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 20th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.PC. for pre-arrest bail in C.R. No.812 of 2021 registered with Tulinj Police Station, Nalasopara (East) for offences punishable under Sections 52, 53 and 54 of the Maharashtra Regional Town Planning Act, 1966.

2. Heard Mr. Anil D'souza, learned counsel for the Applicant and Mr. N.B. Patil, learned APP for Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged

by Mahesh Namdev Patil, Ward Officer of Vasai Virar City Municipal Corporation, Unauthorised Construction Department. It is the case of the prosecution that the Complainant, who is a member of encroachment removal squad, had received a complaint that the Applicant herein, who is a developer was carrying out illegal construction of Ground plus two floors admeasuring 6000 sq. mts. under the name 'Pushpam' near Talati office, Achole station road, Nalla Sopara East. Accordingly, Junior Engineer of Vasai Virar Municipal Council submitted the report to the Assistant Commissioner. It was reported that the Applicant was developing the said site without necessary permission /sanction. Based on the said report, FIR came to be lodged against the Applicant for committing the offences as stated above.

4. By order dated 03/01/2022 this Court had granted interim protection to the Applicant. The Applicant was directed to report to the Investigating Officer. Learned APP states that the Applicant has complied with the said direction and that he has been duly interrogated.

5. Considering the nature of accusations, in my considered view this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.812 of 2021 registered with Tulinj Police Station, Nalasopara (East), the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.30,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report the investigating officer as and when required by the investigating officer.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)